

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
AUGUST 7, 2007

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:05 a.m. on August 7, 2007 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT -

Suzanne Morrow, Secretary
Darrell Hanson, Chair
Ralph Klemme
Charlotte Hubbell
Mary Gail Scott, Vice Chair
David Petty
Susan Heathcote
Henry Marquard – arrived at 10:55 a.m.
Paul Johnson

ADOPTION OF AGENDA

Remove: Item 11 – Demand for Hearing: Swine Graphics Enterprises, L.P.
Move up: DNR's budget process before Item 4 – Contract Regional Collection Center Grant
Add: Policy discussion (EPC's annual report to the legislature)

Motion was made by David Petty to approve the agenda as amended. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Tabled the approval of the June and July EPC minutes until later in the meeting.

TABLED

DIRECTORS REMARKS

Director Leopold said that he has been working with Secretary Bill Northey on livestock odors. There has been a legislative council/committee put together which is led by Senator Kibbie to address livestock odors over the next year.

Sustainable funding on Natural Resources continues to move forward. There has also been a large legislative council/committee assigned and they have mandated four meetings before the start of the legislative session. The Governor's office has been briefed a few times.

The Governor's office has been moving through the Governor's leadership agenda planning for the next year. A lot of staff have been working on the Enterprise Planning Teams. The Department is assigned to energy and the environment. Three main headings are energy, energy efficiency and water & air. By the first of October, they will be finalizing a majority of the leadership agenda.

The Governor's office has assigned Roya Stanley as the head of the Office of Energy Independence. In the next month, the DNR, IDED, DOT, Iowa Finance Authority and IGOV will be participating in an event that involves what the office will entail.

Landfill rules have been the hot topic for discussion. This is a controversial item with a lot of comments on both sides of this issue.

Nutrient standards technical advisory committee continues to meet. We're seeing great results. Sometime this fall or winter, we should see something for recreational uses on lakes.

On a positive note, I attended a field event by Land Improvement Contractors Association (LICA). Near Melbourne, there is about 80 acres near a watershed. They are trying different experimental alternatives to help aid in water quality. It's great to see industry looking ahead.

Charlotte Hubbell asked if there are awards for businesses that voluntarily do something innovative.

Director Leopold said that the Governor has the Environmental Excellence Awards.

INFORMATIONAL ONLY

BUDGET PROCESS

Linda Hanson said that budget book will be updated and available for the September meeting.

FY08 Operations Budget – Major Funding Sources

The department has budgeted \$119.7M for the current fiscal year. This list identifies all of the various items that will go to the legislature to appropriate. The Fish & Wildlife Trust Fund must be appropriated for operations.

Iowa Department of Natural Resources

FY 08 Operations Budget

Major Funding Sources

\$119.7M

Appropriations	\$70.1M	Fees/Receipts	\$24.01M
General Fund	\$20.25M	Air Title 5	\$9.1M
Fish & Wildlife Trust Fund	\$37.6M	Park Receipts	\$4.3M
		Forestry Receipts	\$1.6M
RIIF	\$1.5M	Animal Agriculture Fees	\$1.6M
<i>Lake Water Quality Improvement</i>	<i>\$600K</i>	Stormwater permit Fees	\$1.13M
<i>State Park Health & Safety</i>	<i>\$625K</i>	DW SRF	\$1.1M
<i>Destination Park</i>	<i>\$250K</i>	Hazardous Waste Remedial	\$926K
		CW SRF	\$786K
Environment First	\$5.5M	Water Quality Protection Fees	\$750K
<i>Park Operations & Maintenance</i>	<i>\$2.5M</i>	Condition 5 Funds	\$535K
<i>Water Quality Monitoring</i>	<i>\$960K</i>	UST Insurance Fund	\$500K
<i>REAP</i>	<i>\$885K</i>	Administration Receipts	\$425K
<i>Water Supply</i>	<i>\$500K</i>	ATV Registration Fees	\$374K
<i>Animal Feeding Operations</i>	<i>\$360K</i>	Waste Tire Fund	\$335K
<i>Water Quantity</i>	<i>\$200K</i>	Laboratory Certification Fees	\$176K
<i>Keepers of Land Volunteer Program</i>	<i>\$100K</i>	Waste Volume Reduction	\$160K
		Operator Certification Fees	\$96K
Groundwater Fund	\$4.1M	Snowmobile Registration Fees	\$38K
NPDES permit Fees	\$625K	Land Recycling Fees	\$30K
Marine Fuel Tax	\$300K	GW Professional Reg Fees	\$24K
UST Administration Match	\$200K	Education Workshop Fees	\$22K
		Geological Survey Income	\$5K
		Energy Bank Fees	\$1K
Federal	\$24.6M	Other	\$1.03M
Grants	\$24.6M	Misc Non-Federal Grants	\$341K
		Cedar Rock Trust	\$262K
		Park & Institutional Road Fund	\$217K
		SIFIC	\$187K
		Oil Overcharge	\$19K

Iowa Department of Natural Resources

FY08 Revenues

Capitals

\$80.2M

Appropriations	\$37.9M	Federal	\$14.3M
Fish & Wildlife Trust Fund	\$6.5M	Grants	\$14.3M
RIIF	\$13.4M		
<i>Lake Water Quality Monitoring</i>	<i>\$10.9M</i>	Other	\$28M
<i>State Park Health & Safety</i>	<i>\$2.5M</i>	Destination Park Bonds	\$20.3M
		Park & Institutional Road Fund	\$6.2M
Environment First	\$15.7M	SRF	\$75K
<i>REAP</i>	<i>\$8.2M</i>	Misc. Cost Share	\$1.4M
<i>Targeted Capital Projects</i>	<i>\$6.1 M</i>		
<i>Marine Fuel Tax</i>	<i>\$856K</i>		
<i>Lake Dredging</i>	<i>\$500K</i>		
Marine Fuel Tax	\$2.3M		

Special Purpose Funds

Non-Operating

\$16.8M

Appropriations	\$12.7M	Federal	\$1.6M
Environment First	\$3.2M	Grants	\$1.6M
<i>Water Quality Monitoring</i>	<i>\$2 M</i>		
Ambient Air Quality	\$325K	Fees/Receipts	\$2.5M
<i>GIS Data for Watershed Managers</i>	<i>\$295K</i>	Waste Tire Fund	\$1.7M
<i>Water Quantity</i>	<i>\$280K</i>	ATV Registration fees	\$390K
Air Quality Equipment	\$235K	Snowmobile Registration fees	\$387K
<i>AFO Database</i>	<i>\$50K</i>		
Groundwater Fund	\$9.5M		

FY08 Department Spending Plan Expenditures – Environmental Services Division (ESD)

1	SALARIES		\$29,655,155	62%
	Personnel Services	101	\$29,236,785	
	Extra Help – temporary/seasonal employees		\$418,370	
2	TRAVEL		\$664,165	1%
	Personnel Travel In-State	202	\$296,715	
	Personnel Travel Out-of-State	205	\$367,450	
3	EQUIPMENT		\$1,413,905	3%
	Equipment Maintenance	303	\$50,275	
	Equipment Inventoriable	501	\$1,118,150	
	Equipment Non Inventoriable	503	\$245,480	
4	INTER-AGENCY REIMBURSEMENT		\$150,494	0%
	Auditors Reimbursement	412	\$75,000	
	DAS General Reimbursement	414	\$75,494	
	DAS-ITE Reimbursement	416	\$0	
5	COMMUNICATIONS	401	\$376,300	1%
6	PROFESSIONAL SERVICES	405	\$12,211,338	26%
7	OUTSIDE SERVICES	406	\$1,169,539	2%
8	OTHER		\$1,854,840	4%
	State Vehicle	203	\$166,075	
	Depreciation	204	\$232,250	
	Office Supplies	301	\$238,575	
	Facility Main. Sup	302	\$17,825	
	Prof Supplies	304	\$13,525	
	Ag Supplies	307	\$0	
	Other Supply	308	\$89,650	
	Print & Binding	309	\$117,525	
	Uniforms	312	\$14,950	
	Postage	313	\$164,925	
	Rentals	402	\$650,300	
	Utilities	403	\$91,600	
	Adver. Publishing	408	\$14,390	
	Other Expenses	602	\$43,150	
	Licenses	701	\$100	
	TOTAL DIRECT EXPENSES		\$47,495,736	
	Indirects		\$3,967,860	*
	TOTAL EXPENSES		\$51,463,596	

* Indirects are equal to 13.38% of salaries. Charged here and collected to fund activities in Management Services & Director's office.

INFORMATION

PUBLIC PARTICIPATION

SUSAN WEST, from Fairbanks applauded the DNR for bringing up the manure on soybeans issue. I support the ban of manure on soybeans. It's general knowledge that soybeans can fix all the nitrogen that they need. Whether it's fertilizer or other sources, if it's not used readily and right away it goes into the ground water and then runs off into streams.

Iowa already has the dirtiest water in the nation with nitrate pollution. This has been an issue from the start. Applying manure and the effects of it, outweigh any good that it may do.

Please do everything that you can to stop the pollution so we can improve our waterways.

KAREN FORBES, from Lorimor in Union County submitted the following comments:

Our concerns are the air quality for the rest of our lives. Lorimor's city park, West Park, is located at the West end of Lorimor. We have been building our park to attract children and their families for several years. The shelter house and picnic area were put in 2002, new playground equipment was put in for preschool age in 2003 and equipment for children up to 9 years of age in 2004, the bathrooms were also completed in 2004. This year we have received \$10,000 in grant money for 9 new pieces of equipment for the 10 to 15 year age group. As you can see this has been an ongoing process that the community feels very strongly about. We have people coming for miles around to use this park. The grants were given to Lorimor because we are the only park system for many miles that offers recreational opportunities for the general public.

Many weddings, birthday parties, family reunions, and community groups have used this park. Children play here every day and their families come for picnics. The daily use of the park has increased dramatically and will continue to do so as the parks activities grow.

However, with the installation of the hog confinement this will destroy everything that we have been working for the past 6 years. The horrific smells that will be spewing into Lorimor will keep everyone away from the park. This proposed hog confinement will be approximately one mile from West Park.

We are extremely concerned about the ongoing health problems that this will create for every citizen in this part of Union County. There are **increased rates of headaches, runny nose, sore throat, excessive coughing, diarrhea, and burning eyes.** A 1995 North Carolina study found that residents who lived in the vicinity of swine operations reported increased negative mood states, including tension, depression, anger, fatigue, confusion, and reduced vigor, researchers found that both farm workers and community residents reported higher rates of chest tightness, wheezing, runny nose, scratchy throat, burning eyes, headaches, and plugged ears.

"Those in the general community, including the children, the elderly, those with chronic impairments such as pre-existing asthma or chronic obstructive pulmonary disease, are expected to be much more susceptible to concentrated animal feeding operation (CAFO) exposures."

I guess it boils down to do you want people or disease carrying hogs in this part of the county.

People or hogs, it's your choice!

CATHY WOOLLUMS, Senior Vice-President for Environmental with MidAmerican Energy. As you may recall, this Commission referred MidAmerican Energy back in June for issues with air quality. Those issues have since been settled.

I regret that MidAmerican Energy may have engaged in actions and violations of Iowa's air quality regulations. I assure you that the company has taken measures to avoid these situations from occurring in the future. Never in any point in time, was anyone in our organization motivated by the cost differential between compliance versus making the project go forward.

Here are some of the positive things that MidAmerican has been doing:
Approved an additional 540 mega watt for wind holdings. (Existing 459 mega watts) This makes MidAmerican the nation's leader for utility owned renewable generation.

There is also a wind turbine set up at the State Fair. That will provide energy for fair rides and other activities.

There have been significant emissions reductions at our existing facilities. By 2009, we will have reduced our nitrogen oxide emissions by 44%, reduce our sulfur dioxide emissions by 38% and accomplish a 35% reduction in mercury.

Thanks for the opportunity to show you the positive things that MidAmerican is implementing.

KEVIN SHILLING from Greenfield said that we should ask the Governor and the legislature to install a moratorium on any new construction of hog confinements in Iowa. I'm basing this on the manure management of Prestage Farms. They had wrong soil types. They also overlooked the residence nearby. If these are the types of mistakes being made, we need to do something. Some of these plans are done by people who are not local and have no local knowledge of the land.

Set back distances from wells. If you are spraying pesticides on row crops you need to stay 50 feet from a well. If you are injecting manure you can go right up next to the well. So which is it? Water is our most precious resource and we need to protect it.

Quit making delays and make a common sense decision to protect our waters. We need to require permits for any construction with a manure pit. DNR claims that they don't have adequate people to review MMPs or to enforce things. I believe that. We should increase the permit fees and that would pay for staff to do checks and enforcement.

PAT STEPHENS from Lorimor read a letter written by Rusty Stephens, who is unable to attend today.

I am writing to you in regards to the proposed Confined Animal Feeding Operation, hereafter referred to as CAFO, in New Township in Madison County. For the record I currently live in Madison County, but I own land immediately south of Lorimor, and we are planning to start building a house within one mile of the proposed site.

Here are the documented facts concerning CAFOs:

- ❖ John Hopkins University researchers stressed that the high concentrations of pathogens and dust from animal waste could post unique health concerns to people living near land applications sites.
- ❖ University of Iowa researcher's state children near a CAFO may be at a higher risk for asthma.
- ❖ Iowa State University and the University of Iowa released a joint air quality report stating "emissions may constitute a public health hazard and that precautions should be taken to minimize...exposures arising from CAFOs." The report also stated that hydrogen sulfide and ammonia measurements near CAFOs have been high enough to be harmful to humans. Many confinement workers have died after being overcome by hydrogen sulfide fumes while working in or around manure holding tanks.
- ❖ Ammonia and hydrogen sulfide are only two of the 150 volatile compounds produced by the decomposition of livestock waste. Hydrogen sulfide is a toxic waste that causes respiratory problems, nausea, vomiting, headaches, sore throats, and other human problems.
- ❖ A report by the University of North Carolina School of Public Health states that "swine produce about 10 times as much feces as humans," yet "treatment and management requirements for swine waste are primitive compared to those for human municipal waste." and there is "no requirement for microbial or pathogen quality."
- ❖ Adult swine produce up to 4 pounds of feces a day. Equal to a city of 50,000 people.

I ask you to disapprove this application based on the health facts listed previously, for the health of the people in the vicinity of the proposed site and because the vast majority of the people in the area do not want this in their neighborhood. Your constituents are speaking out and asking for your support. You need to ask yourself just one question: **Would you want this next to your family?**

My family and I amongst others are very passionate against this hog confinement. My husband died of lung cancer at 66 because of raising hogs. He didn't smoke or drink and he hardly ever used fertilizer or chemicals on our ground. Most of my family lives in the city and loves to come to the farm. My farm is about 2 miles from the proposed building site and about 1 mile from the dumping site. You can't be outside when they do this. Please abide by what the majority of the people want, help save lives and environment.

BARB KALBACH from Adair County addressed the issue of manure on soybeans. As a fourth generation family farmer, I remember my father getting excited about not having to apply nitrogen after a planting of soybeans, since the nitrogen remains in the soil. Over the past 50 years, the relationship between corn and soybeans has not changed. But now it's being proposed that animal manure should be applied to fields going to soybeans with the premise that

manure will add nutrients to increase soybean yields. If that were true, we would have been out there adding fertilizer and nitrogen to our soybeans many years ago, if that would have helped. Animal manure would have only added very little yield of soybeans leaving the remaining bacteria, nitrogen, phosphorus and other nutrients in our environment. With Iowa water bodies already high with these contaminants, it makes no sense to expose drainage systems that feed our streams and rivers to higher levels of containments.

Manure to land with soybeans makes no sense agronomically or environmentally. I ask that you make a responsible choice regarding this rulemaking.

EVELYN ADAMEC from Howard County addressed the deterioration of Iowa's water quality. Last summer, I became aware of a facility that was going to be built in a watershed area that drains into seven, live sinkholes. I contacted Director Vonk at that time, the local DNR, state geologist and local legislatures about a petition signed by many local folks. We are very concerned with what is taking place. I served as soil conservation commissioner for several years. I have been an educator of water quality in our county. Our farm has been in the family 106 years and I have lived there for over 50 years. I see what happens in this watershed. This water goes into an underground aquifer. Twenty years ago, we contaminated our own well with our dairy operation because the county graded the road. Karst topography exists in this area. One needs to look at these facilities and the existing area more carefully. I have nothing against the hog industry. It just bothers me when someone builds a home, they have to have a leach field so many feet per person. When you build a hog facility, it seems like free game.

PAM MACKEY TAYLOR from Marion represented 6,000 Sierra Club members. We encourage you to support by approving the Notice of Intended Action for Chapters 20, 22 and 23 regarding air quality rules for permitting grain elevators.

Iowa should be more compliant with the federal Clean Air Act and this rule gets Iowa closer. Nearly 30 years, the legislature limited the regulation of grain elevators by the department. Seventeen years ago, amendments to the federal Clean Air Act created a new operating permit program for major sources of regulated air pollutants. Ultimately causing the Environmental Protection Agency to require that Iowa's restriction limiting the regulations of grain elevators be removed. Five years later, the legislature removed the restrictions. Now twelve years after the restrictions were removed rules governing the permitting of grain elevators is just beginning. I appreciate the work the department has done with the Agribusiness Business Association of Iowa. It is imperative that Iowa comply with federal law. I encourage you to support the NOIA.

Gene Tinker will be presenting an update on the manure on soybeans rule. It is my understanding that you will need to decide next month on a regulatory analysis that was prepared by the department for public comment. There have been plenty of opportunities for comment on the rule and that it should not go back out for public comment. We need this rule to move forward.

The Department denied the permit application for Swine Graphics. It is my understanding that this operation did not score enough points to pass the master matrix. We are concerned that if this is permitted, Swine Graphics will commit violations. We support the Department's denial of the permit.

LINDA KINMAN, representing the Iowa Association of Water agencies and the Des Moines Water Works indicated that these agencies are not opposing the contract for performance based training, but the agencies do have philosophical concern with the Performance Based Program in general. It is disingenuous to lay optimization on the shoulders of water utilities and water utility operators considering the poor state of stream water quality in Iowa. There has been very little action to address large stream source water quality even though we have known many of the issues and impairment for more than 20 years.

An example of the mindset with regard to stream water quality is that DMWW went through the Area Wide Optimization program with DNR at the Maffitt Treatment Plant in which they learned several things and had a very positive experience. But, in a conversation about the program with one of the DNR staff members, DMWW stated, "that while this was a worthwhile objective for their Maffitt treatment Plant, source water considerations with the Raccoon and Des Moines rivers really prevented them from pursuing the turbidity goal at their Fleur Drive plant." DNR's response was "well, you have what you have (for source water)."

The program will be better received when there is a commitment "**to go beyond the regulatory requirements**" for in-stream water quality. All of us are about protecting public health, and we understand, as drinking water utilities, we have that responsibility, as providing the barrier of last resort to protect public health. But if others were as effective in protecting our rivers and streams as drinking water utilities are at protecting drinking water, there might not be much need for an Area Wide Optimization program in the first place. We acknowledge DNR's offer to supply us with more tools to deal with the challenges of poor surface water quality and will continue to support and cooperatively work with them to improve water quality in Iowa.

MONA BOND

Chief Executive Officer of the Agribusiness Association of Iowa. Mona read and submitted the following comments to the commission:

We appreciate your continuing concerns and efforts on behalf of all Iowans to ensure appropriate and responsible environmental care.

AAI represents nearly 1,100 wholesale and retail agricultural businesses. This broad membership base includes nearly all of the companies that operate Iowa's grain elevators. In addition to grain handling, our members produce the products and market the inputs and services necessary in the production of Iowa's multi-billion dollar agricultural industry.

Over the past several years we have worked diligently with the Iowa Department of Natural Resource's (IDNR) Air Quality Section in pursuit of a common goal – "**protecting**" Iowa's ambient air quality. During the process of working with the IDNR, AAI has sought to keep its members and other related associations informed of the issues and sought their input. We

appreciate the fact that the proposed rules you have before you represent an earnest effort on the part of IDNR to include industry in put in the rulemaking process.

I wanted to tell you that there are no real issues with Iowa's ambient air quality that are a result of the current operation of grain elevators throughout the state. Emissions from Iowa's grain elevators have never been identified as causing or significantly contributing to particulate matter nonattainment areas, and the state is currently in attainment for the PM10 National Ambient Air Quality Standards (NAAQS). The proposed rule is structured in such a way as to provide an incentive for elevators to employ additional control equipment, thereby reducing PM and PM10 emissions below current levels. In some cases, additional specific emission controls are required. In addition, the proposed rules require the implementation of specific Best Management Practices (BMP) that will further reduce fugitive PM and PM10 emissions below current levels.

Regrettable, we cannot endorse these proposed rules in their entirety because they contain specific and unreasonable requirements that place serious and considerable economic hardship on Iowa's agricultural industry and consequently our members. Specific to our concern is:

The DNR's failure in ITEM 8 to amend sub rule 23.4 (7) in a manner that extends the particulate emission limit of 1.0 grain per dry standard cubic foot of exhaust gas to all bin vents, both current and future.

- (a) This is a concentration-based emission standard and does not limit total emissions in any way. Particulate emissions from grain elevator bin vents have never been identified as causing or significantly contributing to past particulate nonattainment areas.
- (b) The DNR has previously stated that "a representative level of uncontrolled particulate matter emissions from a grain elevator bin vent is 1.0 grain per dry standard cubic foot of exhaust gas."
- (c) The rule as currently proposed already requires those elevators with high potential emissions to oil grain at the point of receiving, which will result in a 70-90% reduction below the 1.0 gr/dscf in particulate emissions from grain bin vents. (The proposed rules will allow them to take credit for a 70% reduction.)
- (d) While one of the objectives of this proposed rulemaking is to reduce particulate emissions at grain elevators, the failure of the DNR to extent the 1.0 gr/dscf to new grain bin vents at all elevators will have the opposite effect. Elevators will likely add temporary storage instead of permanent storage that under this proposed rule would heave the added cost of controls. Temporary storage that is not confined in a bin or other similar structure typically results in more particulate emissions than permanent storage. Farmer-owned cooperatives will also be more likely to add more permanent storage capacity 'on-farm' where they are not subject to emission controls rather than spend their money for more permanent storage at the elevator, once again resulting in more emissions. There may also be an unintended incentive in some areas to add permanent storage just across the border in another state where control on grain bin vent emissions are not required.

- (e) The cost in dollars per ton of emissions controlled would exceed the level that is commonly used for determining a cost-justified level of BACT (Best Available Control Technology) that is used in the more rigorous PSD (Prevention of significant Deterioration) permitting process. Accordingly, the cost for additional controls on grain bin vents is also not justified.
- (f) There have been great inconsistencies in past instances where the DNR has issued air construction permit limits at the existing 0.1 gr/scf particulate standard for grain bin vents at elevators located at grain processing facilities. In one case the DNR issued a PSD permit with the determination that an uncontrolled grain bin vent was capable of meeting the existing 0.1 gr/scf particulate standard without any additional controls and that an uncontrolled grain bin vent was to be considered as BACT. There have also been other instances where an uncontrolled grain bin vent has been issued a permit for the 0.1 gr/scf without requiring additional controls.

The proposed 1.0 gr/dscf particulate emission standard for grain bin vents should be extended to all grain bin vents, both current and future, at all elevators in the State of Iowa. The cost of the additional controls is not justifiable, even under the stringent PSD permitting process, and non of the surrounding states have a mandatory requirement for adding controls to grain bin vents.

In closing, I urge the commission to postpone granting permission to the DNR to proceed with the rulemaking for these proposed rules in order to allow additional time to resolve the above issue. Temporarily postponing rulemaking for these rules will allow the time necessary to address our concerns in a mutually satisfactory manner. This would avoid the need to make substantive changes after a public comment period that would require additional public notice and comments, thereby further lengthening the amount of time required to complete this rulemaking process.

LOIS MUNDEN from Union County said that the land in southern Iowa is not quite northern Iowa. It's not flat and won't take the manure. I think that before we continue to let these operations build there should be more enforcement. I have been studying manure management plans lately and producers are not following them. We need more control. The master matrix has helped the county supervisors but there's still no enforcement. I would like to see this commission put more enforcement in place before more are allowed to build.

BILL GIBSON farmer from Madison County said that there is a proposed hog facility that may come into our neighborhood. Their manure disposal plan includes all HEL land. There are streams that run through those. It's point source waters. This water may go down the stream fully polluted to the proposed lake site for the city of Winterset. That people will be drinking. Are we going to be forced out of our homes because we can't stand the air quality?

NORM WEST, farmer from Fairbanks which is located in Buchanan County submitted the following comments:

I support the banning of manure on soybeans. Reluctantly, because nobody wants more regulations, red tape, and Big Brother looking over your shoulder. Still, we must do a better job protecting the environment.

People who oppose the ban consistently misrepresent our position. They invariably say we oppose using manure on soybeans “because soybeans don’t need it” – as if that were the whole reason. We oppose manure on soybeans **because it harms the environment**. If someone wanted to put brickbats, baseball bats, ball bearings and bowling balls on his beans, I couldn’t care less. Soybeans don’t need any of those things but to my knowledge, they wouldn’t cause any harm. So it’s nobody else’s business.

But if somebody wanted to dump used motor oil or battery acid or mercury or radioactive waste on his soybeans, it would be against the law. And rightfully so. Such things would cause harm.

The problem with manure on soybeans is that manure contains large amounts of nitrogen, which the soybeans will not use. Most soil nutrients are stable, and will remain available until they can eventually be used by crops. Nitrogen is different. If it is not used soon, it will leach away as water percolates down through the soil. Some of it flows out the tile lines into our rivers and lakes. Iowa has some of the worst-polluted streams in the nation. When it goes down the Mississippi, it contributes to the huge “dead zone” in the Gulf Mexico.

Not all of it goes into streams. Some of it leaches on downward into our groundwater. Nitrate levels are a concern in much of Iowa’s well water. High nitrate levels can contribute to a number of health worries including, I think, “blue baby” syndrome.

Of course, it isn’t JUST manure. Anhydrous ammonia can be worse than manure, and is largely unregulated. On the other hand, nobody puts anhydrous on soybeans. And it isn’t JUST fertilizer. Cities and industries are part of the problem. But the fact remains that nitrate leaching is a serious problem and applying manure long before the nitrogen will be used is a significant contributor.

Even if you applied nitrogen the same day you plant corn, much of it could leach away before the plants are large enough to use it. Ideally, most nitrogen should be side-dressed after the crop is growing. This is very do-able. One of our neighbors has an applicator for knifing in liquid manure between the rows of growing corn. Fantastic. But how many people are willing to do this? If you’re raising a million hogs, it isn’t convenient to side-dress the manure in growing corn.

It’s misleading to talk about “manure on soybeans”. It appears to me that most CAFOs empty the pits once a year, generally in the fall. (Can you imagine just flushing your toilet once a year??!!) If you apply manure this October on land where you’ll grow soybeans next summer, the nitrogen won’t be needed until June of 2009, when you rotate to corn and it reaches the eighth-leaf stage. By then the nitrogen applied 20 months earlier will be ancient history.

Let me quote a few statements from this publication. It isn’t the work of some radical, anti-farming tree-huggers. It was published by the Iowa Soybean Association. It was an insert in farm magazines earlier this summer.

“...the major issue with timing and nitrogen is the closer it is applied to the time when the plant is rapidly taking it up, the less nitrogen can be lost to denitrification and leaching...”

“Unlike ammonium, nitrate is not absorbed by soil particles. Since it is not bound in the soil, excess water percolating downward through the soil profile can carry it below the root zone, out tile lines, and into streams and rivers.”

“Regardless of nitrogen form applied, most of the nitrogen fertilizer applied will be biologically converted to nitrate in the soil.”

“Minimizing the amount of time that nitrate is present in the soil before it can be taken up is a good way of reducing the risk of nitrogen loss from leaching rainfall.”

“Many Iowa Soybean Association On-Farm Network™ nitrogen study participants have been able to drop nitrogen use rates by 50 lbs. per acre or more with no significant reduction in per acre profits. This is especially true when rate reductions are combined with injected side dressed applications.”

“The high nitrate levels being reported in some rivers this year, like the Raccoon River in central Iowa, are due to nitrates leaving farm fields. History has shown high nitrates in rivers mean less nitrogen available for crops.”

“The second example (above) had liquid swine manure applied in the fall of 2003 at a rate that was sufficient to provide corn plants with 200 lbs. of total nitrogen...An additional 50 lbs of nitrogen was applied in spring on top of the manure...An aerial image of the corn canopy showed areas where corn was stressed by the shortage of nitrogen.”

End quotes, but think about that last one. They applied hog manure in the fall for 200 pounds of N. They added another 50 pounds in the spring. Yet by summer they were significantly short on N. Imagine if it had been applied not in spring, not in the previous fall, but a year before the previous fall. I question whether any of it would've remained for the corn crop.

Here are some quotes from a recent article in another radical publication – Wallaces Farmer. (I used to be a write for them many years ago)

“...rain that fell this spring in areas of Iowa and neighboring states resulted in higher-than-normal leaching and denitrification of fertilizer N that was applied last fall or in early spring 2007. Many areas in central, western and southwest Iowa were affected.”

“Nitrogen deficiencies could impact 2007 corn yields in many fields in Iowa.”

“The wet spring caused a lot of pre-applied N to be lost from the soil.”

“...they sampled 38 fields, and only two tested adequate for N...”

“Even the spring-applied anhydrous fields tested low.”

Bottom Line: No matter whether we apply 28% liquid or dry granules or anhydrous or manure, if nitrogen is applied very long before it will be used it will be converted in to nitrate in the soil. When that happens...**pfittt**...it's down the toilet. At that moment it is transformed from a nutrient into a pollutant. We can never eliminate this problem 100%, but we must do as much as we can to reduce it. One thing we can do is avoid putting manure on fields where the nitrogen won't be used for months and months.

- ❖ Manure can be side-dressed between the rows of growing corn, just before it's needed. It's my guess only a fraction of one percent **is**, but it could be. This would greatly reduce the problem.
- ❖ Cover crops such as winter rye offer many benefits. They reduce erosion, add organic matter, improve aeration and water infiltration, etc. And they tie up soil nitrogen, so it can't leach away. Then they do a time-release of N for the growing crop as the cover crop decomposes. Unfortunately, cover crops are grown on only a tiny percentage of Iowa fields.
- ❖ The Wallaces Farmer article described an optical sensing and variable-rate application system. Driving through standing corn, it can measure nitrogen level on-the-go and side-dress additional N as needed. Maybe the N could be in the form of hog manure, but it would be applied when needed instead 20 months before.

JOHN KULPER with the Iowa Limestone Producers Association (ILPA) said that ILPA has been working with the department on the haul road dust control rulemaking. The proposed rulemaking will have a large impact on industry including ours.

KEITH FREIE addressed Chapter 93 – nonpoint source pollution control set aside programs. I commend the department for the program but this rule change is discriminatory to family farms for the fact that you limit it to the facilities being built less than 1,000 units. You mentioned last month that EQIP monies were available to support those who do not fall under this limitation. That is true but many counties in the state don't want to mess with the EQIP program. The beef production is growing in Iowa. It would appear, that the rule change would keep the production of feed but intricate protein product in our food chain at a level that is quickly coming non-competitive. Many family farms are moving up to operations that are 1,500 animal units solely to develop an income that a family farm needs to live off of. I do not advocate making this program available for anybody in the industry.

I would like the commission to consider 2,000 animal units. I don't think it should be for the 5,000 – 10,000 animal feedlots. The family farms now that will be volatile for the future will be more than 1,000 units.

RICHARD BIRD, ICCI member from Van Buren County said that back in the 1700's, an English Politician Edmund Berk gave the warning that “All that is needed for evil to triumph is for good people to do nothing.” The state of Iowa is effectively doing nothing for decades on

these CAFOs. They are spreading like wildfire. The effects of CAFOs include health risks, smells and decrease in property values. People don't build houses close to CAFOs, CAFOs move in and stink out the people. Reading the papers will read like a horror story. Columbia city hog manure has escaped into a Louisa County creek causing a major fish kill. The end result was that the DNR was *considering* enforcement action. What's to consider? They knew where it came from. This passive nature is not going to stop this behavior. I personally haven't ever seen enforcement action taken against those listed in the paper. There are a number of people complaining about the smell that is running them from their homes. They can't enjoy their outdoors. The dead zone in the Gulf of Mexico is partly because of CAFOs and because of applying manure on soybeans. Be one of the good guys!

KEVIN WESTABY from Alexander is the past president of the Iowa Commercial Nutrient Applicators Association. My comments are based on the application of manure on soybeans. We represent businesses across the state. We requested the regulatory analysis be done due to the impact that it will likely have on our business as well as our customers. Our request was to evaluate the agronomic and economic impact of the rule as well as to reconsider the validity and adequacy of the research of the results of the rule.

One of the impacts I feel it will have on our business is that the 100 lbs. is too stringent. It is an application rate that is almost impossible to achieve based on the equipment we have today. Farmers have been switching to wet/dry feeders. We have seen nutrient content increase in the manure. We primarily work with finishing facilities. Most of our analysis come back in the 45-55 lbs. nitrogen per 1,000 gallon. With a 100 lbs. limit on soybeans, we would be down in the 2,000 gallon acre area.

We would like the commission to reconsider the 100 lbs limit and give us more time for more research done by ISU and others to determine the amount that would be workable for the industry and producers.

Sue Morrow said that with all the innovative technology out there, there has to be a way we can mix this manure so that it can be spread at an acceptable level.

Kevin Westaby said that is the issue as well. What is the acceptable level? Soybeans will use nutrients from the manure. I would say that there are companies out there that are working on ways to achieve this level but there is a whole realm of other things besides just the equipment. I would invite the commissioners to come out to see how we do business. Its hard to find equipment that will serve all needs.

Susan Heathcote asked what rate is achievable?

Kevin Westaby suggested about 3,000 gallon per acre as average with 50lbs. of nitrogen equals out to 150 lbs.

Henry Marquard asked if dilution could be considered in order to help the manure spread through the smaller holes on the equipment.

Kevin Westaby said that dilution is probably not the answer. Where will you get all the water from especially when there are concerns with water quantity. It could also cause for more run off.

JACK TROEGER from Ames addressed the issue of manure on soybeans. I am a retired 8th grade teacher of earth science. My entire life has driven me to earthism. I am a proud and lifelong earthiest. The longer I live the more damage I see being done to my earth. For the sake of profit, CAFOs have multiplied rapidly with little concern to Iowans. My wife's family farm in northern Iowa is affected by these CAFOs. It is a waste that is emitted from these facilities that creates numerous problems. Liquid manure is like radioactive waste and it simply can not be allowed to spread on soil that will grow soybeans. Enough studies have been conducted that show what manure will do when applied to soybeans. It's time to make a decision to end this practice once and for all. No excuses, no exceptions, no compromises!

MIKE BLASER from Brownick Law firm in Des Moines represented a number of livestock clients. One of the reasons producers have gone to wet/dry feeders is to reduce water consumption, which is a good thing for the environment.

The manure on soybeans rule is based on the premise that you restrict or ban the practice, you will materially benefit water quality. I assume everyone believes that. The scientific basis for the rule is really one study from NASHWA that tile lines were higher on fields that were gone to soybeans that received manure than tile lines coming corn fields. Please re-read this study and a summary by John Sawyer provided to you on May 2006. The NASHWA study was a yield response study not an environmental study. Dr. Sawyer stated that in the study manure was applied to soybeans at the rate of 200 lbs an acre. He described that as "the highest DNR's allowable rate." He then went on to say in that same study that manure was also applied to corn ground at 150 lbs. per acre, which he describes as the top end of reasonable rates. Those in farming know that those numbers don't jive. If you effectively apply to soybeans at the highest rate and apply to corn at a much lower rate and then get tile water that shows higher levels of nitrates from soybeans, I'm not too surprised by that result. That's what we would expect to see. Does that mean that soybean application is harming the environment compared to corn application? I would say not. Please look at that. It's an apple to oranges study. There's no corn on corn data in that study either. The science this rulemaking is based on is flawed and I would ask that you defer this issue until the science catches up.

-----End of Public Participation-----

PRESENTATION - EPC'S AUTHORITY OVER CONFINED ANIMAL FEEDING OPERATIONS

Gene Tinker presented the following information.

Topics for Discussion

- ❖ Rulemaking responsibilities
- ❖ Manure management plans
- ❖ Siting of facilities
 - Master Matrix
- ❖ Code of Iowa vs Iowa Administrative Code

Rulemaking: Animal Feeding Operations

Two Types

- ❖ Confinements (roofed)
- ❖ Open feedlots (confined but not totally roofed)

Federal CAFO rule

600 head open lot beef + 600 head confinement beef = 1,200 head

Exceeds 1,000 therefore it would need a permit

1,750 finishing open lot hogs + 1,750 finishing confinement hogs = 3,500 head

Exceeds 2,500 therefore it would need a permit

Combines species with species regardless of housing

Iowa Law

600 au Open lot beef + 700 au open lot hog = 1,300 au

Exceeds 1,000 au therefore it needs a permit

600 au confinement beef + 700 au confinement hog = 1,300 au

Exceeds 1,000 au therefore it needs a permit

Combines same types of housing

Rulemaking Process

To implement Iowa code

- ❖ Information item to EPC
- ❖ Notice of Intended Action to EPC
- ❖ Publication in Administrative Bulletin
- ❖ Collection of public comments
- ❖ Responsiveness Summary and Final Rule to EPC
- ❖ Publication of Final Rule in Administrative Bulletin

Manure Management Plans

- ❖ Required due to state statute
- ❖ For confinements only
- ❖ For more than 500 animal units
- ❖ Requires annual submittal to the DNR
- ❖ Have initial filing and annual compliance fees (The current fee is capped at \$250.00)
- ❖ Helps plan manure application at appropriate rates to use nutrients for crop production
- ❖ Adjusts application rates for planned commercial fertilizer application

- ❖ Requires signed agreement with landowners accepting manure application on their land
- ❖ Requires use of the Phosphorus Index to include risk of erosion

When is a P Index Required with an MMP?

Implementation Date for P Index-based plans	
Original MMP submitted	P Index-based MMP Update due
Prior to April 1, 2002	First update after Aug. 25, 2008
Between April 1, 2002 and October 24, 2004	First update after Aug. 25, 2006
After October 25, 2004	Upon Submittal

Manure Management Plan Review

- ❖ All MMPs submitted to the county
- ❖ DNR reviews (administrative) all MMPs when submitted
- ❖ DNR reviews (technical) all MMPs with a Construction Permit application
- ❖ DNR does a complete review of MMP and records every 3-5 years (on site)

The field office staff are the ones who review the MMPs since they are the ones familiar with the area.

The Master Matrix – What is it?

A list (44 items) of beneficial practices that producers can choose from, not exceed current environmental standards and address local community impacts.

Everything that is listed in the Master Matrix is above and beyond the minimum requirements by the state.

The Master Matrix

- ❖ Requires permit applicants to exceed state law and DNR regulations
- ❖ Must have 50% total points = 440/880
- ❖ Must have 25% of available points in three subcategories
 - Air quality
 - Water quality
 - Community impact
- ❖ Requires counties
 - To pass a Construction Evaluation Resolution annually if the county wants to participate (Enrollment period is January 1st – January 31st)
 - To evaluate the construction application using the matrix
 - To evaluate all applications, not selectively

The Master Matrix (County & DNR approval)

County with construction evaluation resolution

- ❖ Must submit master matrix evaluation
- ❖ Can recommend approval or disapproval of construction permit applications
- ❖ Can base comments on the master matrix or other factors

- ❖ Can appeal within 14 days after the draft permit is issued
- ❖ DNR must approve the permit
 - If the county recommends approval (satisfactory rating on the master matrix)
 - and**
 - if it meets statutory and DNR rule requirements

Unless the county appeals

- ❖ DNR must deny
 - If it does not meet state law and DNR rules
(Regardless of County Board's recommendation and matrix score)
 - If the permit applicant does not pass the master matrix at the county level
 - and**
 - DNR confirms a non-passing score of the master matrix with an independent review (even if the site meets all DNR minimum requirements)

Thirteen counties did not participate in the Master Matrix for this year. The master matrix is used only for construction permits.

The Master Matrix

Ideally, the Master Matrix

- ❖ Gives the producer freedom to choose practices that can be implemented
 - Environmentally friendly
 - Community friendly
- ❖ Gives the county the opportunity to have more input on confinements
- ❖ Gives producer and the county the opportunity to talk

The Master Matrix

Appeal rights

- ❖ If the county appeals
 - EPC considers input from
 - The county
 - The applicant
 - The DNR
 - EPC can affirm, deny or modify the permit
 - Applicant or county can appeal EPC decision to district court
- ❖ If the applicant appeals – can choose if the case goes to
 - The EPC
 - Or to a judge in a contested case

Code of Iowa Inclusions

- ❖ Separation distances
 - Siting requirements
 - Manure application
- ❖ Requirements for permits

- ❖ Requirements for manure/nutrient management plans
- ❖ Fees associated with permits and plans – exception: NPDES permit fees

Iowa Administrative Code Inclusions

- ❖ Some definitions not provided by statute (residence)
- ❖ Procedures and Standards (annual county enrollment in Master Matrix)
- ❖ Master Matrix – confinements
- ❖ Options for some separation distances
- ❖ Designation of critical public areas

Procedures and Standards

- ❖ Concrete standards
 - IAC 65.15(14)

The Master Matrix was developed through consensus by a 10 member statewide committee. (DNR, IDALS, ISU, U of Iowa, ISAC, IEC, IFBF, IFU, IPPA, IPA) They met June through September 2002.

Options for increased separation distances – confinements

Code of Iowa 459.310(1)(a)

- ❖ Separation distance of confinement:
 - 500 feet to surface intake of ADW
 - 1,000 feet to wellhead, cistern of ADW or known sinkhole
- ❖ DNR may adopt rules requiring an increased separation distance under this paragraph in order to protect the integrity of a water of the state (not more than 2,000 feet)

Code of Iowa 459.314(2)(c)

- ❖ Allows separation distance for surface manure application without incorporation to be increased up to 4 times the usual 200 foot separation distance for designated acres to 800 feet for high-quality water resource in order to protect the integrity of the high-quality water resource.
- ❖ The Commission did so in IAC 65.3(3)(g).

Critical Public areas

Can be designated if:

- ❖ The land is part of a public park, preserve, or recreation area that is owned or managed by the federal government; by the department (DNR); or by a political subdivision
- ❖ The land has a unique scenic, cultural, archaeological, scientific, or historic significance or contains a rare or valuable ecological system

COI 459.102(19)

The Commission did so in IAC 65.1, but only applies in counties using the Master Matrix

Director Leopold agreed with the Commission that the public use definition is too vague.

The Commission did go on to discuss the department evaluation rule and its proper use as when a permit can be appealed.

Ralph Klemme said that he was a part of the master matrix process when it was in the making. It came forth because of local control and local input. Livestock is a part of Iowa and it's tough to decide who should and shouldn't have it. The issue will never go away.

Henry Marquard said that people come to the Commission expecting great action and the agency's authority is purely limited to what is outlined by the legislature.

Randy Clark passed out copies of the statutory provisions for confinement feeding operations.

Mary Gail Scott requested a copy of the master matrix list.

INFORMATION

PROPOSED RULE – CHAPTER 65 – SUBRULES PROHIBITING LIQUID MANURE/SETTLED OPEN FEEDLOT EFFLUENT APPLICATION TO SOYBEANS

Gene Tinker, Animal Feeding Operations Coordinator presented the following item.

The proposed rules will amend 567 Iowa Administrative Code Chapter 65. The purpose of the amendments is to limit liquid manure and settled open feedlot effluent applications to a planned or growing soybean crop to 100 pounds of available nitrogen per acre. The limitation would only apply to animal feeding operations that are required to develop and follow manure or nutrient management plans.

We did receive a request for regulatory analysis. Our DNR legal staff is doing a thorough review to be sure it is done correctly. As part of that, we will be back next month to request that the Commission put the regulatory analysis out for comment. The rule will not go back out for comment just the regulatory analysis.

Susan Heathcote asked what sort of issues will be addressed in the regulatory analysis.

Gene Tinker said that it will include what and how entities are going to be impacted by this rule. It will also include the other options that were reviewed in lieu of this rule.

Susan Heathcote asked when this rulemaking will be implemented.

Randy Clark said that normally 180 days are allowed from the time the notice of intended action is published or the last public hearing, whichever is later, to get the proposed rules adopted. When the regulatory analysis request was filed that moved things forward, so based on the input from the rules review committee counsel the last hearing date after publication of the regulatory analysis will restart the 180 days.

Paul Johnson asked if any other states have gone through this rulemaking.

Gene Tinker said not to my knowledge.

INFORMATION

REGIONAL COLLECTION CENTER ESTABLISHMENT GRANT– CONTRACT RECOMMENDATION

Tom Anderson presented the following item.

The Department received one application in June 2007 requesting \$56,915 in financial assistance and is recommending entering into a contract for the full request amount to expand regional collection center services.

The applicant is seeking funding assistance to expand their existing service area to include Winneshiek County, previously not offered hazardous materials disposal and education services through the Regional Collection Center Program. The request is to purchase a truck, trailer and supplies to provide mobile collection service to Winneshiek County and to improve HHM collection service to the applicant's existing four-county service area (Floyd, Mitchell, Chickasaw and Howard Counties). With the addition of Winneshiek County, the total number of counties provided regional collection center service will increase to eighty-two (82) counties.

BACKGROUND

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity generator (CESQG) businesses, urban and rural households, and farming operations. Household hazardous materials (HHMs) possess any or all of the following characteristics: toxic, corrosive, flammable or reactive. Funding for the Regional Collection Center program is provided through a portion of the solid waste tonnage fee.

A total of 2,921,284 pounds of waste was accepted, processed, recycled and disposed of through the RCC Program in 2006. These materials represent some of the most toxic materials in the solid waste stream and are being prevented from entering Iowa's landfills.

At this time, the Department is requesting Commission approval to enter into contract with the selected applicant subject to successful contract negotiations, and applicant receipt of the required permit or permit amendment.

REGIONAL COLLECTION CENTER PROGRAM PROPOSAL RECOMMENDATIONS – August 7, 2007

The Department received one proposal, requesting \$ 56,915 in financial assistance, for consideration in June 2007. The project is recommended for the full request amount. Below is the project description.

Floyd Mitchell Chickasaw Solid Waste Management Agency		Award Amount:	\$56,915
3354 330 th St		Local Cost Share:	\$13,000
Elma, IA 50628		Total Project Cost:	\$69,915
Project Title : Establishment of Mobile Collection/Outreach to Winneshiek County			
Contact:	Ken Heimendinger	Phone:	641-982-4288
Description:	<p>The applicant has operated a 3-county RCC for nearly nine (9) years and expanded their service area to a fourth county, Howard County, during calendar year 2006. This project is to add Winneshiek County, for collection of household hazardous materials and provision of education / outreach to residents and small businesses in the county. There is the potential to serve 8,563 households and approximately 177 CESQG businesses with this service area expansion. Winneshiek County previously did not have access to household hazardous materials disposal and education services to its residents, farms and small businesses.</p> <p>The applicant will purchase a truck/trailer combination to hold mobile collection events in all of its service areas with a focus on Winneshiek and Howard Counties. HHM's will be transported back to their main RCC facility, located in Floyd County, for processing and packaging for final disposition. Since Winneshiek County is a new addition, the applicant and Winneshiek County representatives have committed to provide education and public awareness of the new program to County residents and businesses over the next three years.</p> <p>Funds are requested for a truck, trailer, materials, supplies, and education / advertising.</p>		

Motion was made by Henry Marquard to approve the contract as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT – WATER QUALITY ADVOCATE

Wayne Gieselman, Administrator of the Environmental Services Division presented the following information.

The Department requests Commission approval of a contract in the amount of \$75,000 with the Iowa Department of Economic Development (IDED) for the Water Quality Advocate position.

In 2006 the General Assembly provided funding to IDED to provide a non-regulatory advocate for water quality outreach and assistance to regulated entities. In 2007 funding for this effort was given to the Department. The Department is recommending continuation of the effort with this contract using a portion of the NPDES general fund appropriation.

The contract period will be from August 7, 2007 to June 30, 2008.

For this contract period the focus of the Water Quality Advocate will be to assist small communities with understanding and complying with their wastewater requirements including applying for their National Pollutant Discharge Elimination System permits and to lead efforts to assist unsewered communities' address their wastewater issues.

Susan Heathcote requested a report on what kinds of issues she is finding out in the smaller communities and how the rules have affected them.

Jessica Montana said that she will be going to the different communities across Iowa to help assist with the permitting process and to hear what their concerns are. It's a great program overall to help with Iowa's water quality. Unsewered communities are a high priority.

Mary Gail Scott said that she is concerned that if the department is the consultant, it will open us up to misinterpretation. Because if they do everything we say, we won't be able to enforce. We have a lot of state revolving loan money for wastewater treatment that doesn't seem to be getting used. This seems to be a key position by letting people know the funding that is available.

Jessica Montana said that this will open up communication between DED, DNR and the smaller communities on funding mechanisms. They can gather more information on the DED website. www.iowalifechanging.com

Charlotte Hubbell asked that Jessica come back in six months to give an update on the results.

Motion was made by David Petty to approve the contract as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - PERFORMANCE BASED TRAINING – PROCESS APPLICATIONS, INC.

Chuck Corel, Water Quality Bureau Chief presented the following item.

The Department requests Commission approval of a contract in the amount of \$106,163 with the Process Applications, Inc., for Performance Based Training. This spans two years.

In 2006, the department joined the Area Wide Optimization Program, a network of states and EPA regions that work to encourage public water supplies using surface water as a source to go beyond the regulatory requirements to produce high quality finished water. Research has shown

that many systems have the potential to go beyond the requirements for turbidity in finished water and thereby provide additional public health protection by reducing the potential for a waterborne disease outbreak. This can usually be accomplished without additional infrastructure and at a low cost to the utility and its customers. In conjunction with the program, many states have elected to provide training to transfer the skills necessary for optimization to water treatment plant operators. The proposed training will be offered to six to eight selected treatment plants and will consist of five classroom and hands-on training sessions facilitated by department staff. Performance based training represents a unique opportunity for the operators since there is a lack of hands on training available for surface water treatment operators at the higher levels of certification. Performance data will be tracked for each participating plant prior to and following the training so that its impact can be documented.

After facilities go through the performance based training, the scattered point's drops fanatically. Turbidity is both an indicator of pathogens that may be found in the water and we are also measuring at such low levels that organisms themselves can also make up some of the turbidity.

Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) Other Authorized Use Set-aside, which may be used for implementing the state's capacity development initiatives, and from fees collected through the operator certification program.

The proposal from Process Applications, Inc. (PAI) was the only proposal received in response to the request for proposals, but the selection committee felt this proposal should be accepted based on the following:

- PAI is nationally recognized for its development of the Area Wide Optimization and Performance Based Training concepts to improve the performance of existing water and wastewater utilities
- PAI has completed eleven PBT sessions for thirteen states and 14 tribal systems since 1999
- The success of PBT has been well documented in other states, and the skills taught to the operators go beyond technical training to provide leadership and management skills that are not generally provided during training.

Chuck Corell said that we have had training on Area Wide Optimization for anybody that wanted it. The next step is to do a comprehensive plan evaluation, where our engineers go out and review the plan. Iowa is the pilot state looking at integrating Area Wide Optimization concepts into our entire drinking water program.

Charlotte Hubbell asked how the candidates will be selected.

Chuck Corell said that it is voluntary but there will be a meeting to make the selection. We look at the history, turbidity, violations and a number of other criteria and prioritize on who could benefit the most from this training.

Charlotte Hubbell asked if this program will serve to reduce nitrates?

Chuck Corell said no. This looks primarily at sediment (soil, dirt, etc.) and filtering.

Motion was made by Susan Heathcote to approve the contract as presented. Seconded by Ralph Klemme. Motion carried unanimously.

APPROVED AS PRESENTED

POLICY IMPLICATIONS OF INCREASED ETHANOL PRODUCTION

Rick Cruse, Iowa Water Center presented the following presentation.

If policy is going to be used to shape, we need to have a vision of what we want. What do we want from and for Iowa over the next 30 to 40 years. Do we want to be a corn growing state? Do we want Iowa farmland to be owned by those who live in Iowa? Currently, 20% of Iowa's land is owned by people who live outside of the state. A component of the vision is energy. There are multiple voices stating what Iowa is or will be the bio-capitol of the world. If done correctly, it could be a great thing.

Future Bioeconomy and Its Impacts on Soil and Water Resources

- ❖ Plant residues, feedstock for liquid fuels, are renewable
- ❖ Plant residue production dependent on soil and water resources
- ❖ Soil resources are not renewable; water is only conditionally renewable
- ❖ Plant residues required for bioindustry – Plant residues required for soil and water conservation

Questions to ask

- ❖ Do we have the scientific knowledge to identify acceptable removal rates?
- ❖ Can we balance energy needs, financial interests, and soil/water conservation in the bioenergy industry?

We have to take care of soil resources of we're going to come close to meeting the demands that the industry will place on feedstock production.

Primary Water Quality Impairment Components

- ❖ Nitrogen
 - Microbial transformations
 - Mobile N also plant available N
 - Nitrogen management considerations
 - Soil temperature (microbial activity)
 - Amount or load
 - Update efficiency
 - Crop needs

The nitrate load from 1998 – 2007 has increased tremendously. It's a symptom of the agriculture industry.

- ❖ Phosphorus
 - Water solubility limited
 - Moves with soil particles
 - Phosphorus management considerations
 - Soil movement/sediment
 - Soil fertility/P fertilizer applications
- ❖ Sediment
 - Dependent on soil erosion
 - Rainfall and runoff energy
 - Sediment management considerations
 - Soil surface cover – intercept water energy
 - Construction of structures

Soil/Water Management Goals

Nitrogen

- ❖ Reduce load
- ❖ Increase uptake

Phosphorus

- ❖ Reduce load
- ❖ Limit soil erosion

Sediment

- ❖ Limit soil erosion

Recommended N Application

Continuous Corn

Minnesota – 134 – 174 kg/ha (120-155 lb/a)

Switch grass

New York - 56 – 84 kg/ha (50-75 lb/a)

In order to estimate how much soil erosion is going to occur, we have to use some guidelines. The RUSLE to the most commonly known model. (Revised Universal Soil Loss Equation)

A = computer average annual soil loss (T/A)

R = rainfall factor

C = crop management factor

RUSLE Annual “C” factor as affected by residue removal

Cropping System	C
Perennial Grass of polyculture	.02
Continuous Corn Grain only removed	.04
Continuous Corn – 75% residue removed	.16
Continuous Corn – 95% residue removed	.55

Climate change and “R”

- ❖ 20% precipitation up leads to 37% erosion up

- ❖ Runoff up 10% - 310% for different Midwest regions
- ❖ Soil loss up 33% - 374% for different Midwest regions

There are different ways that the residues, that biomass can be converted to liquid fuel. Two of the several different ways is through – biomass conversion (homogeneous feedstock) and thermo chemical conversion (mixed feedstock).

Conversion Process - Implications for Agricultural Development

- ❖ Distributed vs. Centralized processing
 - Transportation implications – low vs. high energy density material
 - Storage implications – fluid vs. residues
 - 100 acres covered 25 ft. deep for one plant (residue mass for one processing plant)
 - Economic implications - \$\$\$ stops where?
 - Centralized process farmer – raw material
 - Processing close to the gate offers potential for value added \$\$\$ to stay home.
 - Distributed systems possible???
 - Biological systems probably not
 - Thermo chemical
 - Partial processing is a vision
 - Initial process – unit <\$500,000
 - Carbon market

Harvest Scenarios: Single vs. Distributed Harvest Periods

- ❖ Labor
 - Concentration of needs
 - Availability
- ❖ Risk – weather impacts
- ❖ Storage implications

Challenge to Transition

- ❖ Land ownership profile
- ❖ Are soil and water “resources” or are they a form of capital to be exploited for short term profit?
- ❖ 2006: 39 of farm land purchases were by investors – not farmers

Farmland Ownership-Major Obstacle

- ❖ Harvested Farmland - % Rented
 - Iowa – 56% (Cash rent %: 49, 54, 69% - 1982, 1992, 2002 respectively)
 - Illinois – 62%
 - Indiana – 58%

Bioeconomy: Water Quality Implications

- ❖ Can-How do we balance energy needs, financial interests and soil/water preservation in the bioeconomy?

Henry Marquard said that the capitalization that is required to harvest multiple species will be very hard and expensive.

Rick Cruse said that the other species involved will probably require the same type of equipment.

Charlotte Hubbell asked if Rick has spoken to the legislature.

Rick Cruse has presented before the Senate Environmental Committee but not the full legislature.

INFORMATION

FINAL RULE - CHAPTER 93 - NONPOINT SOURCE POLLUTION CONTROL SET-ASIDE PROGRAMS

Patti Cale-Finnegan in the Water Quality Bureau presented the following information.

The Commission is requested to approve the Final Rule, Chapter 93 “Nonpoint Source Pollution Control Set-Aside Programs.” The changes primarily affect the Livestock Water Quality (LWQ) Facilities program, which, as part of the Clean Water State Revolving Fund, provides low-interest financing to eligible animal feeding operations for manure management structures, equipment, and plans.

A new facility design, which appears to be environmentally beneficial, is the bedded confinement building, or deep-bedded building. Existing rules for the LWQ program did not allow for financing these structures. The new rules will allow financing of these types of roofed facilities under certain conditions.

Other proposed changes include the following items:

- A restating of the purpose of the program to include pollution prevention;
- Updating information about the federal definition of a Concentrated Animal Feeding Operation in both the LWQ and the Local Water Protection Program;
- Clarification of the descriptions of eligible practices;
- Referencing the definition and requirements of manure management plans in 567 Chapter 65;
- Updating the requirements for project approval and removing the option of departmental review of plans and specifications;
- Allowing financing of updates to manure management, nutrient management, or comprehensive nutrient management plans as part of project financing;
- Adding a requirement for recipient record-keeping; and
- Adding language allowing the establishment of loan fees in the Intended Use Plan.

The NOIA was presented to the Commission for information at the April 3, 2007 meeting and for approval at the May 1, 2007 meeting. A public hearing was held June 14, 2007 in Des Moines. No oral comments were provided at the hearing. Written comments are addressed in the responsiveness summary.

Motion was made by David Petty to approve the final rule as presented. Seconded by Henry Marquard.

Charlotte Hubbell asked what is going to happen with the manure collected at these facilities?

David Petty said that it will be spread on the fields as dry manure.

Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: CHAPTERS 20, 22, 23, AIR QUALITY PROGRAM RULES – PERMITTING RULES FOR GRAIN ELEVATORS

Jim McGraw, Environmental Program Supervisor in Program Development Section presented the following item.

The Department is requesting permission from the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants" of the 567 Iowa Administrative Code.

The purpose of the proposed rule changes is to establish new air quality rules for grain elevators and feed mills. The proposed rulemaking adds new rule 567—22.10(455B) with special requirements for these facilities. The proposed rule defines each type of facility, and also specifies for each type of facility the permitting options, emissions calculation methodology, emissions reporting and record keeping, and best management practices for controlling air pollution. A new particulate matter emission standard will also be established for bin vents located at country grain elevators through amendments to subrule 23.4(7).

In 1978, the Sixty-Seventh Iowa General Assembly limited the Department's ability to regulate country grain elevators. Since that time, the Department has not enforced the requirement that the owner or operator of a grain elevator obtain air construction permits. However, the passage of the 1990 amendments to the federal Clean Air Act (CAA) created a new operating permit program for major sources of regulated air pollutants. As a result, the U.S. Environmental Protection Agency (EPA) required that the restrictions limiting the regulation of grain elevators be removed to allow Iowa to have a federally approved operating permit program. The Iowa

General Assembly subsequently removed these restrictions in 1995, and EPA granted federal approval of Iowa's operating permit program in 1995. Removal of the restrictions necessitated that the Department review and permit air emissions at hundreds of grain elevators to bring them into compliance with the air construction permitting requirements of rule 567—22.1(455B).

In an effort to minimize the regulatory burden to the owners or operators of grain elevators while still ensuring that Iowa's air quality is protected, the Department began working with the Agribusiness Association of Iowa (AAI) to develop a streamlined mechanism for permitting. Facility information from amnesty registrations, along with information received through an unofficial survey of the permitting requirements for grain elevators in surrounding states, assisted the Department and the work group in developing a permitting strategy.

The proposed amendments allow grain elevators in Iowa to be regulated in a manner similar to that of surrounding states and splits the grain elevator source sector into four groups characterized by their potential to emit for particulate matter with a diameter less than or equal to 10 microns (PM10). Regardless of the individual grain elevator's emissions, the Department is requiring that an owner or operator of a grain elevator apply best management practices (BMP) and comply with the fugitive dust standard. The Department is also requiring that an owner or operator of a grain elevator comply with the emissions controls specified in required construction permits. Application of BMP and the emissions control specified in the required construction permits will serve to protect the ambient air, and will minimize the impact of emissions from each facility.

The Department has always required that feed mills obtain construction permits. Through the workgroup proceeding, the Department learned that many grain elevators are located with feed mills. With the exception of feed mills located at a country grain elevator, all feed mills are considered to be part of grain processing, which is not included in this rule proposal. Owners and operators of these feed mills are required to obtain construction permits for all feed mill and supporting grain storage equipment. The Department is requiring that an owner or operator of a feed mill that is located with a country grain elevator obtain construction permits for each piece of air emitting equipment located at the feed mill. Permitting requirements for the country grain elevator portion of the facility would be based on the PTE of PM10 from the grain storage equipment.

The owner or operator of an existing grain elevator must submit the appropriate registration form or permit application by March 31, 2008. The owner or operator for a new grain elevator must apply for and obtain the appropriate registration or permit prior to initiating construction of air emissions equipment.

This proposed rule amends subrule 23.4(7) to specify a new particulate matter emission limit for bin vents located at country grain elevators. The majority of the country grain elevator bin vents have been operated uncontrolled since the bins were constructed. Emissions from country grain elevator bin vents were never identified as causing or contributing to past particulate matter nonattainment areas, and the state is currently in attainment for the PM10 National Ambient Air Quality Standards (NAAQS). Available particulate matter emissions testing data reviewed by the Department for country grain elevator bin vents indicates that a representative level of

uncontrolled particulate matter emissions from a grain elevator bin vent is 1.0 grain per dry standard cubic foot of exhaust gas. Country grain elevator bin vent emissions at this emissions level result in low PM10 emissions since bin vents are operated (turned over) infrequently. Based on these considerations, the Department believes that changing the particulate matter emission level from 0.1 grain per dry standard cubic foot of exhaust gas to 1.0 grain per dry standard cubic foot of exhaust gas will have no adverse impact on air quality and will allow the facility owner or operator to focus resources on the implementation of BMP on emission units that will result in a positive impact on air quality.

If the Commission approves this Notice of Intended Action, the Department will hold three combined informational meetings and three public hearings regarding this rulemaking. An informational meeting, followed immediately by a public hearing, will be held on Monday, September 24, 2007, at 1 p.m. in the conference rooms at the Department's Air Quality Bureau located at 7900 Hickman Road, Urbandale, Iowa. A second informational meeting, followed immediately by a public hearing, will be held on Wednesday, September 26, 2007, at 1 p.m. in the Amana Room at Kirkwood Community College in Cedar Rapids, Iowa. A third informational meeting, followed immediately by a public hearing, will be held on Monday, October 1, 2007, at 1 p.m. at Iowa Lakes Community College, Gateway North Center, 1900 North Grand Avenue, in Spencer, Iowa. All comments must be received no later than October 2, 2007.

Henry Marquard asked if the current major source facilities need to obtain a title V permit under the existing federal law?

Jim McGraw said yes. There are currently 293 permitted major source facilities.

Mary Gail Scott asked what kinds of environmental impact will this have on facilities before and after the rule is put in place?

Jim McGraw said that through this graduated permit process it will bring all grain elevators into compliance, it will also be a requirement to implement best management practices and additional controls for minor source grain elevators with a PM-10 potential to emit greater than 15 tons/year.

Charlotte Hubbell said that though the DNR staff time is limited, it is frustrating to see these rules for grain elevators because it has taken 12 years to get here. As the same time, we're expected to jump through hoops in three months to allow less stringent limits on VOC emissions on ethanol plants in order to get into compliance with state law.

Motion was made by Susan Heathcote to approve the NOIA – Chapter 20, 22, 23 and requested public comments specifically on implementing the one grain standard. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS AMENDED

PROPOSED RULE: CHAPTER 23, HAUL ROAD BEST MANAGEMENT PRACTICES (BMP)

Jim McGraw, Environmental Program Supervisor of the Program Development Section presented the following item.

The Notice of Intended Action to amend Chapter 23 "Emission Standards for Contaminants" of the 567 Iowa Administrative Code is being presented to the Commission for information. At the September Commission meeting, the Department will request approval to publish a Notice of Intended Action on these proposed rule amendments.

This document was developed to assist facility owners or operators in identifying and applying appropriate Best Management Practices (BMP) to their paved and unpaved haul roads. The document also specifies haul road calculation methodologies to be used to generate emissions estimates for completing construction permit application and emissions inventory reporting forms, and clarifies when emissions from facility haul roads are required to be included in air dispersion modeling analyses for prevention of significant deterioration (PSD) projects.

All facility owners or operators are currently subject to the requirements of 567 IAC 23.3(2)"c" (the fugitive dust rule). The fugitive dust rule requires facility owners and operators to take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. A list of reasonable precautions are included in the fugitive dust rule and apply to all facilities regardless of the volume of traffic on the facility haul roads or the type of haul road. The BMP requirements in the haul road BMP document are in addition to the requirements of the fugitive dust rule and do not exclude a facility owner or operator from the fugitive dust rule requirements if emissions from the haul roads result in visible emissions that cross the lot line of the facility property.

For paved and unpaved haul roads that have at least 11,000 and 5,000 truck trips per year, respectively, the facility owner or operator will be required to calculate the emissions of particulate matter from the haul roads as specified in the haul BMP document. If the emissions are calculated to be greater than or equal to 15 tons per year of particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM10), then the additional haul road BMP requirements provided in the haul road BMP document will be applicable.

The haul road BMP document clarifies that emissions from haul roads are required to be included in the PM10 National Ambient Air Quality Standards (NAAQS) PSD air dispersion modeling analyses and air dispersion modeling analyses for the annual PM10 increment. The haul road BMP document also provides two options for addressing haul road emissions in the 24-hour PM10 increment analyses.

The additional BMP requirements specified in the haul road BMP document will minimize the generation of fugitive dust and will ensure that haul road emissions at facilities with high volumes of truck traffic will not cause or contribute to a violation of the NAAQS. Specifying the calculation methodology to determine when it is necessary to apply BMP will reduce uncertainty

for facility owners and operators regarding the Department's approval of the calculations and will ensure that haul road BMP are applied on a consistent basis across the state.

An informational meeting will be held on July 25, 2007, at 1 p.m. in the conference rooms at the Department's Air Quality Bureau located at 7900 Hickman Road, Urbandale, Iowa. Interested members of the public may ask questions and provide informal comments on the proposed rule during the informational meeting.

We anticipate coming back to the Commission in November with the Notice of Intended Action.

(Henry Marquard left at 3:45 PM)

INFORMATION

STATE OF IOWA PUBLIC DRINKING WATER PROGRAM - 2006 ANNUAL COMPLIANCE REPORT

Chuck Corell presented the following information.

The Department is submitting the *State of Iowa Public Drinking Water Program 2006 Annual Compliance Report* to the Environmental Protection Commission for information purposes.

The Safe Drinking Water Act (SDWA) Amendments of 1996 require the Department to issue an annual report of the SDWA violations in the state. This report fulfills the reporting requirement in Iowa for the 2006 calendar year. It was prepared by the Department's Water Supply Engineering & Operations Sections in the Water Quality Bureau of the Environmental Services Division.

Development of the report was accomplished through the use of the state water supply database. It was provided to EPA by the July 1st deadline. An electronic copy will also be provided to the Governor, legislative officials, and members of the SDWA Advisory Group.

Report highlights:

- The number of health-based standards violations increased while the number of public water supply systems with violations slightly decreased from 2005 levels. Over the past 10 years, the percentage of Iowa's more than 2,000 public water supply systems that are not in compliance with all health-based standards ranges from 7.7% to 10.1%. The three standards that were violated most frequently in 2006 were coliform bacteria, nitrate nitrogen, and disinfection byproducts (total trihalomethanes and haloacetic acids), which account for 83.3% of the violations.
- The number of systems with a fecal coliform bacteria violation increased in 2006 to the same level as in 2000, with 19 systems having a total of 31 violations.
- Both the number of major monitoring and reporting violations and the number of systems with those violations increased over 2005. The 79.5% of systems in compliance with all major monitoring and reporting violations remained in the past eight-year range of 78.2 –

82.7%. The increase in the number of monitoring violations is partially attributable to five systems that did not collect the required volatile and synthetic organic chemical samples, and six systems that did not collect the required inorganic chemical samples, all of which are multi-contaminant parameter groups. Disinfectant monitoring and reporting also provide many more opportunities for violation by the systems.

- There were 31 systems that received a violation for failure to obtain a certified operator during the year. This is an increase from previous years, likely due to better identification of such systems by DNR staff.
- There were 52 community systems that failed to prepare and distribute a consumer confidence report in 2006.

The electronic report will be available on the IDNR's website at <http://www.iowadnr.com/water/drinking/reports.html>. Copies of the report are also available to the public upon request.

Susan Heathcote asked if there is assistance to communities that are not familiar with this so they can do it right.

Chuck Corell said that the municipal utilities, league of cities, rural water associations and DNR field offices can help.

Paul Johnson asked if there has been an increase in nitrates in drinking water.

Chuck Corell said that the number of violations is fairly constant. The test results have to be over 10.

Barb Lynch said that we do seek administrative orders and ask for facility upgrades.

INFORMATION

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report

7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period June 1, 2007 through June 30, 2007, 11 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '06	3(11)	0.427	0.055	1	0(0)
November '06	3(7)	0.063	0.033	2	0(0)
December '06	11(7)	0.862	0.016	1	0(0)
January '07	7(10)	0.213	0.004	1	0(0)
February '07	34(6)	0.386	0.070	6	0(0)
March '07	14(12)	0.162	0.011	3	0(0)
April '07	22(12)	0.393	0.068	5	0(0)
May '07	8(11)	0.565	7.386	1	0(0)
June '07	11(9)	0.059	0.001	2	0(0)
July '06	9(5)	0.078	0.003	2	0(0)
August '06	15(13)	0.196	0.023	8	0(0)
September '06	9(3)	0.285	0.024	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	2	1	1	1	6

DATE: August 1, 2007

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Neal Rupiper, Carroll Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations –	Consent Order \$4,500	6/06/07

General Criteria

Sebergan Pigs, Inc. Lee Co. (6)	Animal Feeding Operation	Failure to Update Plan; Record Keeping; Prohibited Discharge – Confinement; Operational Violations – Freeboard; Water Quality Violations – General Criteria	Consent Order \$7,500	6/15/07
Wiley, City of (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$3,000	6/15/07
Natural Pork Production II, Shelby Co. (4)	Animal Feeding Operation	Failure to Update Plan; Record Keeping	Consent Amendment \$1,000	6/15/07
Larry Whitehead, Sidney (4)	Underground Tank	UST System Deficiencies	Consent Order \$2,500	6/25/07
Ross McCaw; McCaw Pumping Iowa Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order \$7,500	6/25/07
Scott Lenz, Carroll Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Consent Amendment \$8,000	6/25/07
Iowa Select Farms/AG Waste Consultants, Inc. Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; WQ Violations – General Criteria	Amended Order	7/02/07
Doug Neuberger, Cerro Gordo Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order	7/02/07
Robert Ness, Emmet Co. (3)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Consent Order \$3,000	7/02/07
M.A. Inc.; Spring Grove Mobile Home Park Burlington (6)	Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations; License Discipline	Consent Order	7/02/07

Name, Location & Region number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/05 11/29/05 12/01/05
BBR, LLC Spirit Lake (3) UPDATED	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Motion for Leave to Amend	9/19/06 4/18/07 6/12/07

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						Order Granting Leave Amended and Substituted Petition	6/18/07 6/18/07
Bulk Corporation 28 Sites (1) (6)	Petroleum	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	to	Referred Petition Filed	6/19/06 2/01/07
Cargill, Inc.; Mort's, Inc. Iowa Falls (2)		Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	to	Referred	11/14/06
Clinton, City of (6)		Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	to	Referred	9/19/05
Cohrs, Bernard; Cohrs Construction Dickinson Co. (3)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	to	Referred	11/14/06
Country Stores of Carroll, Ltd.; LeMars Country Store, LeMars (3)		Underground Tanks	Leak Detection; Record Keeping	Referred to Attorney General		Referred	3/06/07
Des Moines, City of; Metropolitan WW Reclamation Authority (5)		Wastewater	Compliance Schedule	Referred to Attorney General	to	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3) UPDATED		Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order		Referred Petition Filed Motion for Partial Summary Judgment Hearing on Motion	9/19/06 1/23/07 6/08/07 7/09/07
Environmental Recycling Co., Inc. Dwight Oglesbee Masena (4)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	to	Referred	12/05/06
Feinberg Recycling Corp., Ft. Madison (6)	Metals	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	to	Referred	3/06/07
Garrett Corporation; Delta Industries Waterloo (2)		Air Quality	Construction Without Permit; Construction Contrary to Permit	Referred to Attorney General	to	Referred	1/02/07

General Corporation Sioux City (3)	Motor	Hazardous Condition	Remedial Action	Order	Referred	9/19/06
Golden Oval Eggs LLC Thompson (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	12/05/06 3/29/07
Heisdorffer, Leland Keokuk Co. (6)		Air Quality Solid Waste	DNR Defendant	Defense	Petition Filed (No original notice served) IDNR's Motion to Dismiss/Strike Hearing Date Ruling on Motion (Dismissed all damage claims against the State) Trial Date	10/06/05 8/07/06 9/01/06 9/11/06 5/11/07
Kruse Dairy Farm, Inc. Dyersville (1)		Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)		Solid Waste	Operation Permit Violations – Other	Referred to Attorney General	Referred Petition Filed	4/17/06 1/23/07
Leigh, Marsha Glenwood (4)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Miller, Albert Kalona UPDATED	(6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Hearing on Motion	9/19/06 1/23/07 4/30/07 6/01/07

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Miller Products Company Osceola (5)	Wastewater	Prohibited Discharge	Referred Attorney General	to	Referred	12/05/06
Miller, Robert Batavia UPDATED	(6) Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred Attorney General	to	Referred Petition Filed Motion for Partial Summary Judgment	8/15/06 1/23/07 6/21/07
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred AG	to	Referred Petition Filed	2/20/06 12/11/06
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General		Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty Site Clean-up Completed	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06
Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred Attorney General	to	Referred Petition Filed	4/17/06 12/11/06
Pellett Chemical Co., Inc. Wiota (4)	Underground Tank	Failure to Submit Tier 2 Site Assessment	Referred Attorney General	to	Referred Petition Filed Defendant's Motion to Dismiss Resistance to Motion to Dismiss	6/19/06 3/29/07 4/24/07 4/27/07 5/14/07

				Hearing on Motion to Dismiss	
Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed	9/19/05 1/10/06
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater Pollution Prevention Plan Violations; Water Quality Violations – General Criteria	Referred to Attorney General	Referred	4/03/07
Roquette America Keokuk UPDATED (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date Trial Roquette's Request to Reopen Evidence IDNR Resistance to Reopening Evidence Roquette's Reply to Resistance IDNR Motion/Supp. Resistance Order Denying Roquette's Request to Reopen Evidence Partial Consent Order IDNR's Proposed Ruling Roquette's Proposed Ruling IDNR's Reply Roquette's Reply	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06 4/24-28/06 5/25/06 6/020/06 6/19/06 6/21/06 7/05/06 4/09/07 5/04/07 5/07/07 6/08/07 6/08/07
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06
Rose Bowl, The Mason City (2)	Drinking Water	Monitoring/Reporting – Bacteria,	Referred to Attorney	Referred Petition Filed	7/17/06 1/22/07

		Nitrate; Notice	Public	General		
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal		Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal		Referred to Attorney General	Referred	4/03/07
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant		Defense	Petition Filed Answer Filed	10/18/04 11/04/04
SNF, Inc. dba Brand FX Body Company Pocahontas (3)	Air Quality	Operational Violations		Referred to Attorney General	Referred	9/19/06
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant		Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment Order Granting Continuance Hearing on Summary Judgment State's Supp. Reply to Plaintiff's Resistance to Motion for Summary Judgment Ruling Denying Motion for Summary Judgment Application for Interlocutory Appeal Memorandum in Support of Interlocutory Appeal Application Denied Motion for Separate Trial Hearing on Motion for	12/06/04 1/10/05 3/07/05 5/17/05 2/27/06 3/20/06 5/01/06 6/19/06 10/04/06 11/03/06 11/03/06 1/08/07 1/22/07 3/05/07 3/14/07 4/06/07 4/13/07 4/16/07

					Separate Trial Order Granting Trial Trial Brief Reply Brief Trial Date	Separate
Sweitzer, Chad and Lona; Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria; MCL – Bacteria	Referred to Attorney General	Referred Petition Filed	11/14/06 5/03/07	
U.S. Nation Mart, Inc.; Ved Pal; Babli Saini Davenport (6)	Underground Tank	Leak Detection; UST System Deficiencies	Referred to Attorney General	Referred	5/01/07	
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/03/07	

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: August 1, 2007

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	8,042	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01

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Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,780	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	242	3-08-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
Robert L. Nelson (Orient)	UT	617	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestics (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
#*James Boller (Kalona)	AFO	3,634	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04

Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
* Reginald Parcel (Henry Co.)	AQ/SW	260	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
Elerly Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
#*Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#*Dale Schumann (Buena Vista Co.)	AFO	2,000	8-01-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Rueter & Zenor Co.; Rueters Red Power (Carroll) SEP	AQ/SW	400	11-06-06
# Randy Rudolph (Audubon Co.)	AFO	3,500	11-06-06
Larry Bergen (Worth Co.)	AQ/SW	2,000	11-01-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	8,020	12-15-06
#*Galen Drent (Boyden)	AFO	1,510	2-01-07
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	600	4-01-07
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
# Todd Kay (Buena Vista Co.)	AFO	3,000	4-16-07
# Garrelts Livestock Feeders (Palo Alto Co.)	AFO	3,000	5-02-07
#*E & N Farms, Ltd. (Lyon Co.)	AFO	800	5-15-07
#*Paul Rehder (O'Brien Co.)	AFO	375	6-01-07
* Waddell's Metal Recycling (Blue Grass)	AQ	750	6-01-07
# Crossroads Cattle Co. (Council Bluffs)	AFO	9,500	6-14-07
Craig Burns (Postville)	WW	3,750	6-15-07
# Natural Pork Production, II LLC (Shelby Co.)	AFO	1,000	6-29-07
# Sebergan Pigs, Inc. (Lee Co.)	AFO	7,500	6-29-07

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# Grand Prix Industries, Inc. (Kossuth Co.)	AFO	1,300	7-01-07
# James Hogan; Hogan Brothers (Jones Co.)	AFO	2,392	7-01-07
* Crestview Mobile Home Park (Ames)	WW	750	7-01-07
* Country Terrace Mobile Home Park (Ames)	WW	480	7-01-07
#*Michael and Karen Schieltz (Dubuque Co.)	AFO	2,552	7-07-07
#*Neal Rupiper (Carroll)	AFO	4,312	7-10-07
River Bend Farms, Inc.; Ken Root (Council Bluffs)	AQ/SW	1,200	7-11-07
#*Harvey Driesen (Sioux Co.)	AFO	750	7-15-07
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	1,125	7-15-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
#*Ross McCaw; McCaw Pumping Co. (Iowa Co.)	AFO	7,500	7-20-07
* Midway Water & Lighting Co., Inc. (Marion)	WS	1,100	7-20-07
#*John Kauffman (Iowa City)	AFO	3,536	7-20-07
* John Danker (Lee Co.)	AQ/SW	2,636	7-22-07
# Scott Lenz (Carroll Co.)	AFO	8,000	7-25-07
# Robert Ness (Emmet Co.)	AFO	3,000	8-02-07
* Curt Kline; Connie Kline (Dunlap)	AQ	500	9-01-07
* Larry Whitehead (Sidney)	UT	1,875	9-03-07
#*Charles F. Deering, Jr. (Postville)	AFO	2,500	9-30-07
#*Charles Wauters (Keystone)	AFO/SW	3,500	12-01-07
#*Joe Tomka (Carroll Co.)	AFO	3,500	12-01-07
#*Rahn Eischeid (Carroll Co.)	AFO	2,500	4-01-08
* Willey, City of	AQ/SW	2,000	6-01-08
TOTAL		481,825	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750

# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
LeMars, City of	WW	9,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
Cedar Rapids, City of	WW	5,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	8,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000
Bruce Piper; Piper Motor Company, Inc. (Bloomfield)	AQ/WW	10,000
Bedrock Gravel, In. (Buena Vista Co.)	AQ/SW	10,000
Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	10,000
TOTAL		256,237

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
Industrial Laminates/Norplex, Inc. (Postville)	AQ	3,750
Franklin County, Iowa	AQ/SW	7,500
# James Hogan; Hogan Brothers (Jones Co.)	AFO	108
# Grand Prix Industries, Inc. (Kossuth Co.)	AFO	200
# E & F Custom Pumping, Inc. (Taylor Co.)	AFO	4,500
# Kenneth Dahlhauser (Whittemore)	AFO	1,250
* Crestview Mobile Home Park (Ames)	WW	250
* Country Terrace Mobile Home Park (Ames)	WW	110
Mehmert Tiling, Inc. (Cresco)	UT	7,000
Neal Rupiper (Carroll)	AFO	187
Crop Production Services, Inc. (Dubuque Co.)	WW	8,000
# Steve Frick (Osceola Co.)	AFO	5,000
* John Danker (Lee Co.)	AQ/SW	139
#*Harvey Driesen (Sioux Co.)	AFO	250
Larry Whitehead; Whitehead Farms Construction (Sidney)	UT	625
Jewell Golf & Country Club (Jewell)	AQ/SW	2,250

John Morrell & Co. (Sioux City)
 # Bob Kerrigan (Union Co.)
 #*John Kauffman (Iowa City)
 * Willey, City of

WS 5,400
 AFO 750
 AFO 208
 AQ/SW 1,000

48,477

TOTAL

The following penalties were collected by Revenue during the Month of June.

TOTAL

TOTAL MONIES RECEIVED

20,458

Rulemaking

Proposal	Notice to Commish	Notice published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to commission	Rules Adopted	Rules published	ACR#		
1. Ch. 7 – Contested Case Rules	5/01/07	5/23/07	5897B	6/11/07		6/12/07	7/02/07	7/02/07	*8/01/07		*9/03/07	*9/05/07
2. Ch. 20, 33 – Amendments to AQ Program Rules	7/02/07	*8/01/07		*8/14/07	*9/05/07	*9/06/07	*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07
3. Ch. 20, 22, 23 – Permitting Rules for Grain Elevators	8/07/07	*8/29/07		*9/10/07	*9/24, 26/07 *10/01/07	*10/02/07	*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07
4. Ch. 34 – AQ – Amendments to CAIR and CAMR Provisions	7/02/07	*8/01/07		*8/14/07	*9/04/07	*9/05/07	*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07
5. Ch. 40, 43 – Minor Water Main Construction Permit	3/06/07	3/28/07	5795B	4/03/07	4/19/07	4/20/07	7/02/07	7/02/07	*8/01/07		*9/03/07	*9/05/07
6. Ch. 61 – WQS – Chemical Criteria Revisions	5/01/07	5/23/07	5898B	6/11/07	6/14, 19, 21 and 26/07	7/10/07	*9/04/07	*9/04/07	*9/26/07		*10/09/07	*10/31/07
7. Ch. 64 – Wastewater Construction and Operation Permits	2/06/07	2/28/06	5753B	4/03/07	3/30/07	3/30/07	6/05/07	6/05/07	7/04/07	6000B	7/10/07	*8/08/07
8. Ch. 93 – Nonpoint Source Pollution	5/01/07	5/23/07	5901B	6/11/07	6/14/07	6/21/07	8/06/07	*8/06/07	*8/29/07		*9/05/07	*10/03/07

Control Set- Aside Program												
9. Ch. 103-106, 112, 114, 115, 118, 120-123 - Financial Assurance Regulations	12/05/06	1/03/06	5633B	2/06/07	3/28/07	3/28/07	*9/03/07	*9/03/07	*9/26/07		*10/09/07	*10/31/07
10. Ch. 113 - Sanitary Landfills for Municipal SW: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes	11/14/06	12/06/06	5597B	1/03/07	1/22,24 and 26/07	1/26/07	6/05/07	6/05/07	7/04/07	5999B	7/10/07	*8/08/07
11. Ch. 135 - Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	7/02/07	*8/01/07		*8/14/07	*8/21-23/07	*8/24/07	*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period June 1, 2007, through June 30, 2007, 67 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode					
		Agri- chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*	
October	52 (48)	5 (6)	34 (29)	12 (13)	14 (13)	29 (28)	0 (0)	3 (2)	2 (1)	4 (4)	
November	60 (55)	13 (10)	30 (35)	17 (10)	19 (16)	27 (28)	2 (0)	4 (3)	1 (1)	7 (7)	
December	28 (51)	3 (5)	20 (32)	5 (14)	5 (18)	18 (29)	0 (2)	2 (1)	0 (0)	3 (1)	
January	36 (62)	4 (4)	20 (35)	12 (23)	10 (18)	19 (32)	3 (0)	1 (1)	0 (0)	3 (11)	
February	50 (49)	6 (2)	38 (36)	6 (11)	7 (10)	35 (35)	1 (1)	3 (2)	0 (0)	4 (1)	
March	70 (54)	5 (2)	52 (40)	13 (12)	19 (16)	44 (29)	0 (2)	0 (2)	0 (0)	7 (5)	
April	76 (96)	23 (32)	32 (39)	21 (25)	24 (26)	41 (56)	1 (1)	0 (3)	2 (1)	8 (9)	
May	98 (59)	36 (14)	39 (34)	23 (11)	40 (24)	42 (29)	4 (0)	4 (1)	1 (1)	7 (4)	
June	67 (83)	21 (19)	29 (43)	17 (21)	14 (28)	44 (43)	2 (0)	1 (0)	1 (1)	5 (11)	
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	

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September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	537 (557)	116 (94)	294 (323)	126 (140)	152 (169)	299 (309)	13 (6)	18 (15)	7 (5)	48 (53)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office this Month:

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
12	16	6	9	15	9

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period June 1, 2007, through June 30, 2007, 7 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement Application	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	12 (13)	0 (1)	9 (2)	0 (1)	3 (9)	9 (12)	0 (1)	3 (0)	0 (0)	1 (1)
November	10 (8)	0 (0)	2 (1)	3 (3)	5 (4)	8 (6)	1 (2)	1 (0)	0 (0)	1 (1)
December	5 (2)	0 (0)	5 (1)	0 (0)	0 (1)	4 (0)	1 (2)	0 (0)	0 (0)	1 (0)
January	4 (3)	0 (0)	3 (2)	1 (1)	0 (0)	4 (1)	0 (2)	0 (0)	0 (0)	0 (0)
February	4 (2)	0 (0)	2 (1)	0 (0)	2 (1)	3 (1)	1 (1)	0 (0)	0 (0)	1 (0)
March	7 (2)	0 (1)	6 (1)	0 (0)	0 (0)	6 (0)	0 (2)	0 (0)	0 (0)	2 (2)
April	4 (6)	2 (0)	2 (2)	0 (2)	0 (2)	2 (6)	2 (0)	0 (0)	0 (0)	2 (1)
May	5 (6)	0 (0)	2 (3)	2 (3)	0 (0)	3 (5)	1 (1)	0 (0)	0 (0)	0 (0)
June	7 (2)	1 (0)	2 (0)	0 (0)	3 (2)	4 (2)	2 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	58 (44)	3 (2)	33 (13)	6 (10)	13 (19)	43 (33)	8 (11)	4 (0)	0 (0)	8 (5)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office this Month:

1	2	3	4	5	6
0	2	1	3	0	1

Contracts

Title	Amount - (Not to Exceed)*	Funding Source**	Date to EPC	Contract Recipient (if known)	Status
SFY 08 Linn Co. 28E Agreement	\$696,812	Air Quality Title V Fees; 103 & 105 Federal Grant	June	Linn County	Approved by Commission
SFY 08 Polk Co. 28E Agreement	\$706,951	Air Quality Title V Fees; 103 & 105 Federal Grant	June	Polk County	Approved by Commission
SFY 08 UHL 28E Agreement	\$1,899,870	Air Quality Title V Fees; 103 & 105 Federal Grant; State Infrastructure	June	University Hygienic Laboratory	Approved by Commission
SFY 08 & SFY 09 DED 28E Agreement	\$ 122,100 (60,00 SFY 08; 62,100 SFY 09)	Air Quality Title V Fees, Pollution Prevention Incentives, Brownfields	June	Dept. of Econ. Development	Approved by Commission
SFY 08 UNI 28E Agreement	\$461,580	Title V Fees	June	University of Northern Iowa	Approved by Commission
Utility Management Organizations	\$250,000	CWSRF	June	multiple	Approved by Commission
Nonwadeable Stream Assessment Development	\$88,887	Environment First Infrastructure Funds – Water Quality Monitoring & IDNR Fisheries Program	June	ISU	Approved by Commission
Intensive Lake Monitoring	\$167,005	Environment First Infrastructure Funds – Water Quality Monitoring	June	ISU	Approved by Commission
Environmental Monitoring & Laboratory Services - Field Office, Drinking Water, LUST, Dam Safety	\$429,872	EPA Performance Partnership Grant & EPA 319	June	UHL	Approved by Commission
Manure Applicator Certification Training	\$164,132	Manure Applicator Certification Program	June	Iowa State University	Approved by Commission
TMDL Monitoring	\$251,133	EPA 319	June	UHL	Approved by Commission

Staff Support	\$293,706	Environment First Infrastructure Funds – Water Quality Monitoring, EPA 319 & REAP external grant from CenSARA	June	UHL	Approved by Commission
Dynamometer Emission Tests	\$112,598		July	Iowa State University	
Wetland Performance Monitoring	249,890	Environment First Infrastructure Funds – Water Quality Monitoring	July	Iowa State University	
Ambient Monitoring & Lab Services	\$1,116,342	Environment First Infrastructure Funds – Water Quality Monitoring & EPA funds (106, Brownfield), LUST Trust Fund, RSIP Grants, State Hazardous Waste Remedial Funds, and Land Recycling Program fees	July	UHL	
Ambient Biological & Lab Services	\$249,084	Environment First Infrastructure Funds – Water Quality Monitoring	July	UHL	
Steam Flow Estimation	\$46,750	Environment First Infrastructure Funds – Water Quality Monitoring	July	USGS	
Water Level Measurements	\$27,500	State Funds Appropriated for the State Water Plan	July	USGS	
Iowa Waste Exchange Database Enhancements	\$86,780	Groundwater Protection Fund-Tonnage Fees	July	Quality Consulting, Inc.	
Water Liaison	\$75,000	NPDES Program	August	IDED	
Web enabling GP 1-3	\$50,000	Stormwater	August		
Performance Based Training	\$107,000	DWSRF Other Authorized Uses	August	Salem	
National Wetland Inventory	\$250,000	Watershed Initiative funds (03HA)/ Partner	August	Saint Mary's Univ.	

		Dollars		(MN)	
Streamflow gaging, water levels, Big River monitoring for FFY08	\$500,000	Environment First Infrastructure Funds - Water Quality Monitoring, EPA Funds, State Funds appropriated for Water Plan, Conservation and Recreation Division Funds	September	USGS	
Corps of Engineers Supplemental Monitorign	\$50,000	Environment First Infrastructure Funds - Water Quality Monitoring	September	COE	
River Use Survey	\$75,000	EPA 319	Summer	ISU - CARD	
2008 Clean Watershed Needs Survey	\$57,121	Clean Water SRF- Administrative Fund	September	Iowa State University	
Pharmaceutical Collection and Disposal Pilot Project	\$225,000	Landfill Tonnage Fees	September		
One Source Training for Water Operators	\$233,900	WS Operator Training	September	One Source	
SDWA- Database	\$150,000	DWSRF State Program	October	Salem	
NPDS Database	\$50,000	NPDES Program	Fall		
Dept. of Soil Conservation/ IA Dept. of Ag & Land Stewardship	\$107,760	Wastewater SRF	Fall		
Archeology	\$90,000	Wastewater SRF	Fall		
Archeology	\$90,000	Drinking Water SRF	Fall		
EPA State Implementation Plan	\$200,000	EPA	Fall		
Stormwater Information & Education	\$70,000	EPA 104(b)	Fall		
TMDL Development	\$50,000	EPA 319	Fall		
U of I/UHL SWP Monitoring	\$50,000	EPA DWSRF set-aside	Fall	UHL	

Consumer Confidence Report	\$60,000	DWSRF Tech Asst	December	IAMU	
Viability Technical Assistance	\$98,691	DWSRF Other Authorized Uses	February	IA Association of Municiple Utilities	
FFY07 NPS Pollution Control Project Contracts	\$3,000,000	EPA 319	Winter	DSC and unknown	
Conservation Districts of Iowa MOA	\$500,000	EPA 319	Winter	CDI	
UHL	\$85,000	EPA	Unknown		
Regional Collection Center Establishment Grants	\$200,000	Landfill Tonnage Fees	Unknown		
*Actual amount cannot be determined at this time due to agreement/budget negotiations not having taken place.					
** Subject to change due to uncertainty of the federal budget and the funding allocations					

Contested Cases

4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens' attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response. 5/16/07 – Response from Vens' attorney indicating qualified agreement with settlement offer pending an inspection by DNR staff.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/10/07 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney. 6/15/07 – Dept. obtains new telephone number for Ag Waste Consultants' attorney and leaves message for return call regarding settlement of case. 7/05/07 – Order amended to remove ISF as responsible party. Ag Waste Consultants' appeal sent to DIA.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	1/10/07 – FO6 staff visited the site to determine the current status and observed that the AFO portion of the farm operations has been closed.

						4/07 Sent request for hearing.
10/02/01	Daryl Larson	6	Order	AFO	Clark	6/26/07 – Sent to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
1/23/02	Clearview Mobile Home Park Clearview Mobile Home Park (CONTINUED)	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule. 10/18/06 – Letter to attorney regarding schedule for resolving appeal. 10/06 – Letter to MHP attorney regarding resolution of appeal. 11/06 – Letter from MHP attorney regarding projects on hold due to revisions in WQ standards rules. 6/26/07 – Sent to DIA to be set for hearing.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal. 6/26/07 – Sent to DIA to be set for hearing.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/4/07 – FO4 provides status update. 6/29/07 – Sent to DIA.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	1/4/07 - An offer to settle was sent to Mr. Dahlhauser's attorney. This letter gave Mr. Dahlhauser until 1/26/07 to contact Carrie Schoenebaum with regard to the settlement. Attorney called and asked for extended time to review. Will send signed consent order.

						5/23/07 – Consent Amendment to Order issued; appeal dismissed; penalty paid 6/13/07. Case closed.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004. 4/07 – FO5 to conduct compliance inspection. 4/19/07 – Inspection report issued to facility. 5/07 - Letter to City regarding resolution of appeal. 5/25/07 – Letter to City with Dept. settlement offer. 6/12/07 – Settled. Consent order sent to attorney for review and signature.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	6/07 – Sent to DIA.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	6/26/07 – Sent to DIA.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	3/10/07 – Attorney for NPPII responds to DNR's inquiry, indicating that he will get with client and then back with DNR in next week. 4/10/07 – After Clark leaves message for NPPII attorney, asking for status update, NPPII attorney indicates his client asserts case should be dismissed. 5/9/07 – Dept. refuses to dismiss case and counters with reduced penalty offer. 6/15/07 – Consent Amendment to Order issued; appeal dismissed. Penalty due 6/29/07.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney. 5/07 – Letter to MHP attorney about appeal and setting for hearing. 6/07 – Settlement discussions continued over penalty and compliance issues. 6/27/07 – Set to DIA to be set for hearing.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005. 4/07 – Letter to City regarding appeal. . 4/25/07 - Response from City Attorney. 5/11/07- Dept. offer of settlement. 6/14/07 – City counter offer to Dept. 6/20/07

						– Dept. rejected counter offer. City to consider options at City Council meeting on 6/20/07. Council postponed action to next meeting in July. Appeal to be set for hearing if not settled.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Dismissed AO without prejudice as to TEGH, INC.
10/27/03	B & H Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Dismissed AO without prejudice as to B & H.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Referred to DIA for notice of hearing. Expected to settle as part of the Atty General's referral on separate violations.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	6/6/07 - Dept. letter to Mr. Holland indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/14/07 – Phone call from Mr. Holland. Tentative settlement pending receipt of swine depopulation history.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	6/20/07 – Clark phones Mr. Kerrigan and discusses settlement terms. Kerrigan will make some inquiries and get back to Mr. Clark. 6/26/07 – Clark phones Mr. Kerrigan. Kerrigan states he will send check for penalty and withdraw appeal. 7/9/07 – Penalty paid. Case closed.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance. 11/06 – Facility building burned down, facility closed. 5/07- Dept. letter to attorney about resolving appeal. 5/25/07 – Settled. Consent order sent to attorney to be signed.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner. 6/19/07 – Clark sends email concerning issues at other former Swine USA operations acquired by Whitestone. 6/27/07 – Whitestone attorney responds with general agreement to settlement but needs to confirm with client.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	6/29/07 – Sent to DIA.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04. 6/29/07 – Sent to DIA.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/W W	Clark*	Meeting held 4/07/04. 6/29/07 – Sent to DIA.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	4/4/07 – FO4 agrees to perform a site visit to verify remedial work. 5/2/07 – FO4 visits site and reports

						observations. 6/15/07 – Clark leaves telephone message for Gettler inviting settlement discussion. 6/20/07 – Clark and Gettler discuss case via phone. Settlement offer by Gettler sent to FO4 for response. 6/27/07 – Verbal settlement reached. DNR will prepare Consent Amendment to Order.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement. 8/06 – Letter from City attorney regarding resolving appeal. 10/06 – Letter to City attorney regarding settlement and setting case for hearing. 11/06 – Response received from City attorney concerning SEP proposal. 1/07 – Settlement proposal (SEP) received from City attorney; under review by Dept. staff. 3/07 – Settled. City to pay penalty of \$2,500 and perform SEP in an amount of \$10,250. 3/26/07 – Draft consent order sent to City attorney on 3/26/07. 4/2/07 – Consent order signed by City. Order signed by Director, issued. Penalty paid 5/15/07. Case closed.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement. 6/07 – Settled.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	3/15/07: Attorney for Alton returned Dept. phone call and agreed to check with client regarding settlement offer. 5/08/07 - Dept. called Attorney for Alton. Settlement offer delayed due to change in Alton administration. Will submit offer to DNR by 5/18/07. 6/15/07 - Dept. sends letter with settlement offer and deadline for acceptance or case will be sent to DIA. 6/21/07 - Alton's attorney sends counter offer. 6/25/07 - Dept. rejects Alton's offer but sends slight reduction to original offer. 6/27/07 – Alton accepts DNR offer. DNR will prepare Consent Amendment to Order. 7/2/07 – Consent Amendment sent to Alton's attorney.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and

						appealed. Appeal will be addressed at April 2007 EPC meeting. Appealed to District Court 5-1-07.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting. Appealed to District Court 5-1-07.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	6/28/07 – Sent to DIA to be set for hearing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting. Appealed to District Court 5-1-07.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	3/22/07 – Dept. sends draft consent amendment to Renze's attorney. 5/10/07 – Dept. calls Renze's attorney for status update; attorney apologizes for delay and commits to providing a response in 24 hours. As of noon, 5/14/07, Dept. has not received a response. 5/10/07 – Clark calls Renze's attorney for status update; attorney apologizes for delay and commits to providing a response in 24 hours. As of 6/21/07 Dept. has not received a response. 6/25/07 – Clark resends 3/22/07 message to Renze's attorney and asks for update. 6/28/07 – Sent to DIA
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Request for hearing sent to DIA.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	6/21/07 – Clark phones Veenstras' attorney who agreed to discuss case with clients. 6/27/07 – Settlement offer from Veenstra's attorney. DNR responds with counter offer. 6/28/07 – Veenstra accepts counter offer. DNR will prepare Consent Amendment to Order. 7/2/07 – Consent Amendment sent to Veenstra attorney
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Settled. Consent Order signed 6/7/07. Penalty paid 5/10/07. Case closed.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	5/07 - Dept. letter to City regarding setting case for hearing. 6/26/07 – Sent to DIA to be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	6/6/07 – Appeal withdrawn. Closed.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed. Inability to pay claim being evaluated by Department. Offer to reduce penalty rejected, will be turned over to Revenue and Finance.

						Inability to pay claim being redone.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	4/10/07 – Clark discusses appeal with Mr. Smith. He will consult with his representatives and decide whether to go to hearing or withdraw appeal. 5/07 – Smith and Clark exchange phone messages. 6/13/07 – Dept. letter to Smith indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/21/07: Smith phones Clark and makes settlement offer. 6/29/07 – DNR rejects settlement offer and sends case to DIA.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – FO4 inspection of campground. 5/12/06 – FO letter to facility regarding inspection. 5/22/06 – Letter received from Honey Creek attorney requesting waiver of penalty in view of inspection. Letter to Honey Creek attorney rejecting request to waive penalty. 4/07 – Letter to Honey Creek regarding penalty and setting for hearing. 5/07 to be sent to DIA. Scheduled for hearing 7/13/07. Settled. Hearing continued pending finalization of settlement.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting. Appealed to District Court 5-1-07.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	10/06 – Letter to MHP regarding settlement of appeal. 11/06 – Information received from MHP owner regarding MORs and certified operator. 4/07 – Letter to MHP regarding appeal and setting for hearing. 5/07- Settled. Consent order sent to MHP owner to be signed. 5/24/07 – Consent order not signed. Telephone call with owner regarding consent order. 6/21/07 – Sent to DIA to be set for hearing. Settled. MHP owner to pay penalty and sign consent order.

3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Settled. Consent Order signed 5/2/07. Penalty paid. Case closed.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	6/26/07 – Letter sent to WS attorney. 6/29/07 – Settled. 7/03/07 – Consent order sent to attorney for signature.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Mortgagee (bank) has agreed to close the UST as part of their foreclosure process. Sent to DIA for notice of hearing pending completion of the UST closure process by the bank. If UST is closed with NFA, will likely dismiss as to Ruby Field, Inc. and Ed Grafke.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Hearing reset for 8/10/07.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	6/26/06 – FO meeting with company officials to discuss reopening of plant. 7/12/06 – FO inspection of plant. 10/06 – To be set for hearing. 6/28/07 – Sent to DIA to be set for hearing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Producer submitted offer. Department reviewing offer. Awaiting decision from producer. Settled, signed amendment in place.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	ALJ Proposed Decision issued 12/29-06 and appealed. Appeal will be addressed at April 2007 EPC meeting. Appealed to District Court 5-1-07.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Waiting to hear from Cargill engineer. Meeting will be set with technical staff.
8/28/06	Winnebago Industries, Inc.	2	Title V Permit	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting. Appealed to District Court 5-1-07.
10/06/06	Ted Dickey dba Dickey Farms	6	Order/Penalty	AQ/SW/AFO	Book	Requested administrative hearing from DIA.
12/27/06	Piper Motor Co. Inc.	6	Order/Penalty	AQ/W W	Tack	Reviewing discovery responses.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
1/11/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/11/07	Bedrock Gravel	3	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
6/13/07	Crossroads Cattle Co.; John Reisz	4	Permit Conditions	WW	Clark	Negotiating before filing.

6/15/07	Phoenix C & D Recycling, Inc.; and R & A Properties	5	Beneficial Use Determination	SW	Tack	Negotiating before filing.
6/19/07	Goldsmith and Son, Inc.; John E. Goldsmith; Patti R. Goldsmith; and J & G Pallet, LLC	3	Order/Penalty	WW	Hansen	Negotiating before filing.
6/25/07	Rick Onken		Permit Conditions	WW	Clark	Negotiating before filing.

APPROVAL OF JUNE MINUTES

Darrell Hanson and Charlotte Hubbell submitted some minor changes to the June minutes.

Darrell Hanson asked about what consensus was reached by the commission regarding the UAA process.

Mary Gail Scott said that she would like to reach a resolution on process for the UAA's and how they are selected before they are presented to the public.

Darrell Hanson said the consensus that he reached by reading the minutes was that the department will decide how many they want to use for the first list of downgrades. The department will decide to what extent they want to meet with stakeholders in advance to discuss the process. At that point, they will bring the UAA's to the Commission and we'll decide on what sort of effort will be put into those that have objections. We will also discuss how many we would like to see per month.

Motion was made by Mary Gail Scott to approve the June minutes with the corrections that have been addressed today and also pending additional corrections. Seconded by Charlotte Hubbell. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF JULY MINUTES

Motion was made by Charlotte Hubbell to approve the July minutes as presented with a few typo corrections. Seconded by Susan Heathcote. Motion carried unanimously.

APPROVED AS PRESENTED

GENERAL DISCUSSION

Sub-committee for the Annual Report to Legislature

The Commission unanimously appointed Henry Marquard, David Petty, Mary Gail Scott and Charlotte Hubbell to coordinate a draft EPC report to the legislature by January 1st. Henry Marquard will be sub-committee chair.

UAA Update

Chuck Corell presented the following information.

So far, a lot of the comments received have been general comments on the fairness of tighter water quality standards and the impacts. We haven't received any information directly related to designation but we continue to hold those meeting.

UAA Information Presentations are being held to present what UAA's are and what we are finding. We will continue to add to this list as we go on.

In addition to the online surveys and mailings, if we are out in the field and talk to the public we will record their comments on that segment of the stream.

Mary Gail Scott asked if there will be a responsiveness summary done from the six informational meetings.

Chuck Corell said that they can submit their comments but it is not intended to be a part of the record for rulemaking because it's not necessarily about the rulemaking but more for general information. We may have some money left over after the calendar to renew the contract to finish up the writing of the UAAs. We won't have money past June 30, 2008.

The UAA summary table was distributed for the stream segments that have been designated as of today. This is what will be used for comments. It will be available on the DNR website for anyone to view. The stream segments are color coded on what it is designated.

Mary Gail Scott asked if we will be seeking comments on the review of the process separately from the review of the results.

Chuck Corell said not separately but we will be taking comments on the list of stream recommendations. Only affected facilities (permitted discharge holders and adjacent landowners) will have the opportunity to comment on a specific stream segment.

Rich Leopold said that we need to have 1,500 UAAs completed by December 31, 2007. We are on a tight deadline.

Mary Gail Scott said that we will see comments on the protocol for assessing the process.

Sue Morrow said that she observed DNR field staff when they were evaluating the stream segment by her place of employment. They spent a good amount of time counting fish, measuring the water, recording data, etc. It was very good to see.

Chuck Corell said that the warm water protocol has gone through rulemaking but it is the recreational use protocol that hasn't.

Susan Heathcote thanked the Department for getting the information on the website right away. It's very beneficial to view this data ahead of time.

Update on Iowa's draft 2006 Section 303(d) list of impaired waters

John Olson presented the following information.

Seven comment documents (letters or e-mails) were received during the May 1-June 29, 2007 public comment period for Iowa's draft 2006 Section 303(d) list of impaired waters:

Commenter	Affiliation / Location	Issue / Comment:
Evan De Groot	Sioux County	Dry Creek, Sioux County
Joe Skoda & Melissa O'Rourke	Rock Valley	Dry Creek, Sioux County
Tom Woodruff	Iowa City, IA	Coralville Reservoir fish kill
William Curran	Iowa City, IA	Iowa River downstream Iowa City
Wallace Taylor	Iowa Chapter Sierra Club, Cedar Rapids, IA	(1) statutory basis for the 303(d) list, (2) Iowa's methodology, (3) current water quality standards, (4) use designations, and (5) de-listing.
Rick Robinson	Iowa Farm Bureau Federation, West Des Moines, IA	(1) credible data, (2) relation of IR Category 5 to IDNR methodology, (3) separate and distinct 303(d) and 305(b) reports, (4), use of trophic state index, (5) listing issues on atrazine waters
John Reyna	U.S. EPA Region 7, Kansas City, KS	request more information on delisting rationales for 41 waters

IDNR staff are preparing a responsiveness summary to the comments received. Based on the comments received, IDNR will finalized Iowa's 2006 Section 303(d) list. This final list, along with comments received and the IDNR responsiveness summary, will be sent to U.S. EPA Region 7 for their review, approval, and/or disapproval. IDNR anticipates that these materials will be transmitted to Region 7 in September.

IDNR staff are actively working with U.S. EPA Region 7 staff to expedite Region 7's review and approval/disapproval of Iowa's list. Following their review and approval/disapproval, EPA will transmit Iowa's final/approved 2006 Section 303(d) list to IDNR. Waters on Iowa's final/approved list will be prioritized for TMDL development.

Budget

Charlotte Hubbell passed out a report done by The Iowa Policy Project called *Investing in Iowa's Environment – Budget Trends 1997-2006*.

Ethanol

Charlotte Hubbell suggested that the commission set up a technical advisory committee for recommending policy on ethanol plants. We do have the authority under 455B.105, where the commission shall appoint advisory committees to advise the commission and the director in carrying out their respective powers and duties.

Darrell Hanson said that we need to be careful in assuming that the commission will take the role in developing policy for ethanol plants. I believe most technical advisory committees are put in place by legislation.

Rich Leopold said that the Office of Energy Independence may have some authority to address these concerns.

Mary Gail Scott said that it is and will be an issue especially because of the concerns with water quantity.

Paul Johnson said that our environment in Iowa depends on how we use land. Twenty years from now, are we going to be in the same place where we are with dealing with CAFOs? Should we be looking at the larger picture in regards to ethanol rather catching up with the problems that could develop later on?

Mary Gail Scott said that we need to know the impacts of ethanol is regards to water quantity, crop rotations, air, etc. It would be good to learn more about the ethanol industry and how they go about business and what we will be faced with in the future.

David Petty suggested informational meetings to address key issues.

Charlotte Hubbell said that we can postpone this until next month or so.

Other

Wayne Gieselman said that we will have a rule change for underground storage tanks modeling.

NEXT MEETING DATES

September 4, 2007 – DNR AQ Building in Urbandale

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 5:15 p.m., Tuesday, August 7, 2007.

Motion was made by Sue Morrow to adjourn. Seconded by Charlotte Hubbell. Motion carried unanimously.

Richard A. Leopold, Director

Darrell Hanson, Chair

Suzanne Morrow, Secretary

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